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THE FAR EASTERN CRISIS.

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IN order to appreciate the commotion in Eastern Asia, which is in various ways agitating the whole world, it is essential to bear in mind that it is the product of two predominant factors, to which all collateral agencies are subordinate and accidental. It is no new problem which has been suddenly sprung upon the world, but only the *dénouement* of one which has been anticipated for fifty years and more. Nor is there any lack of prophetic record buried in government archives, in old periodicals and in shelved books. If there has been a slackening of categorical forecasts in the last few decades, it is simply because the voice grows weary of crying in the wilderness.

The two generative factors in the Far Eastern development to which we refer are, of course, Russia and China, which possess between them, in an altogether peculiar degree, the procreative properties which evolve great events. Each is, in many essential respects, the complement of the other. In bulk they are approximately well matched; in territorial contiguity they are joined by 3,000 miles of common frontier. These primary physical conditions admit of the freest interaction of their correlative forces. Russia possesses the vigor of youth, and is constantly and preternaturally aggressive. China is decadent, paralyzed and fatalistically passive. These are ominous contrasts, but they by no

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means exhaust the catalogue. China is a rich possession. Russia is comparatively poor; her civilization is primitive; she has not reached her full stature, and she is confident in her own power to dominate and appropriate the resources of her gigantic but inorganic neighbor. Given the juxtaposition of two such human agglomerations, might it not be said that Nature herself was working for their fusion? The temptation to intermingle is, in fact, irresistible. As the barbarians looked down on degenerate Rome, so do the modern Goths regard with wistful eye and watering mouth the defenseless sheepfolds of the Chinese. China lies like a vast terrestrial depression with a body of water pent up alongside of it; and therein lies the essence of the Far Eastern question.

No doubt the active stage of this chronic question which has recently startled the world was hurried on by the aggressive proceedings of third parties. Japan it was who first disturbed the equilibrium, and brought on an acute phase of the malady. The subsequent action of Germany, renewing the disturbance before it had had time to subside, created a fresh eruption. Both these inroads, lawless and unprovoked as they must be considered, were made because of the helplessness of China, and whatever plea of political justification may be claimed for either of them hangs upon the hypothesis that they were only anticipations of the aggressive action of Russia. It was the calculated movements of that power and the known impotence of China that determined, and will continue to influence, the proceedings of the other powers.

Before either Germany or Japan had been called into being as world powers, the Far Eastern problem which occupied studious observers was substantially the same as it is to-day. The forecasts of two serious students of contemporary history published between forty and fifty years ago have recently been cited in the English press. The authors happened to be both British Consuls in China, Sir Rutherford Alcock and Mr. Taylor Meadows, men who were too far in advance of their own generation to attract the notice they deserved. The two men had little in common, and they arrived at their one conclusion independently and by somewhat different roads.

Their prognosis was singularly confirmed by another equally good authority, also in advance of his time. This was the late

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Edward Cunningham,* head of the leading American firm in China, a gentleman distinguished for the catholicity of his views, no less in the conduct of ordinary business than in matters of interest to the community of which he formed a part. It is deserving of mention that it was Mr. Cunningham, in his capacity of chairman of the Shanghai Chamber of Commerce, who organized and raised the funds for those journeys of scientific exploration undertaken by Baron F. von Richthofen in 1870, which have shed so much light on the material condition of the Chinese Empire. For these explorations have supplied the data for all geological, mineralogical and strategic speculations about China on which the discussions of the present day are founded. It must be conceded that the man who so clearly grasped the prospective value of such discoveries as to be willing to pay for them "cash in advance" was no mean authority on the political evolution of the section of the world with which he was personally acquainted. What Mr. Cunningham thought of the relations between Russia and China in 1869 was lucidly set forth in a memorial which he presented to the United States representative, on the subject of a revision of the Chinese treaty which was then under consideration.

"As for a policy of 'generosity' as affecting the destinies of the Empire in the interests of the people, one smiles either with contempt at the credulity, or admiration at the audacity, of such an exponent of their principles. These views of the progressive tendency of the Chinese rulers of today are, of course, asserted in the interest of these rulers, as, if foreign nations could be brought to believe them, they would leave the Chinese to develop in their own way. There being in truth no will, there would be no way; but still, as regards the rulers alone, they would be relieved from pressure and so gain their immediate object.

"Whether they would gain ultimately depends upon the disposition of Russia. If China stood isolated in the world, the forbearance of all might be an advantage. Shouldered as she is by so powerful and aggressive a neighbor, it may be that the only effective protection for the present dynasty is in the intimacy with the other western powers.

"If it can be made to appear that the Russians have the will and the power to occupy China, it will be granted that there is at least a strong likelihood of that great event coming to pass. As to the will there is no proof, of course. One can judge by analogy. They have extended themselves in Asia wherever they have had an opportunity, and they have recently conquered and annexed the Kingdom of Bokhara at great cost, completing the extension of their dominions in that quarter to the borders of British India, a boundary which they must accept as final in that direction. The difficulties in that enterprise were greater, and the advantages not to be

* Mr. Cunningham met his death, at the hands of an Italian poacher, within his own grounds, near Milton, Mass., in 1889.

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mentioned, as compared to those to be incurred or gained in the acquisition of China. In the actual direction of this empire they have taken and occupied with forts within a few years the great tract of country lying between the Amoor and the present frontier, without any advantage in the region itself to attract them, and apparently only for the object of reaching nearer to China proper. They obtained a valuable port upon the coast, but that they could have had without the costly annexation of so great a territory.

"They have more young men learning the Chinese language, in one way or another, than all the other Westerns together, and they push their traders into the country with a pertinacity quite uncalled for by the exigencies of their trade.

"Finally, there lies before them a prize unparalleled in the history of the world. A nation of, at least, 200,000,000 of industrious, energetic and ingenious people, ripe for conquest, and capable, when conquered, of giving inexhaustible supplies of excellent soldiers and sailors; a nation poor, indeed, in resources, at present, but capable of a miraculous resurrection under an energetic rule. A country full of natural wealth, with an immense area of fertile soil already under cultivation; with a system of navigable rivers unsurpassed in the world; a coast abounding in fine harbors, and commanding this side of the Pacific; a dominion reaching to the tropics and including in its wide embrace every climate and almost every valuable production of the earth.

"It is impossible that, with their antecedents, their settled policy for centuries, the Russians should fail in desire for such a prize as this. As for the power, unless succored by other Western nations, the country would lie defenceless before the assault of 50,000 men led by a general skilled in modern war. Such succor, if it came at all, would probably come too late. By occupying the western and northwestern provinces under one pretext or another, and with the declaration that it was provisional and temporary, they could finally reach the coast and have possession of the main strategical points, with 200,000 or 300,000 Chinese soldiers under arms and in effective condition, before any European power would have concluded to intervene. Their conclusions then would be uninteresting.

"In view of this greatest of hazards, it would seem to be the natural policy of the government to cultivate as close relations with other Western people as possible; to introduce them into the country; to accept their inventions and improvements; to obtain foreign arms and equipments; to train an army to the European standard of efficiency and under European officers. These are the steps which would be pressed on the Chinese authorities by their well-wishers, and sedulously followed up, if they wish them to maintain even their present position.

"It may be, however, that with great interests of humanity, foreign representatives may not have the prosperity of the present dynasty and government really at heart. Of this I do not pretend to judge. They may feel that nothing will elevate the Chinese people and place the country fairly in the path of progress and reform, but the government of a Western power. It does, indeed, seem impossible that any real good can come from the selfish and apathetic race of rulers that now misgovern the country, and in the interests of the millions who suffer from their incapacity or perversity, foreign powers are perhaps bound to withold advice or suggestion that may delay the hour of deliverance. If such is the case, no course seems so wise as to leave them as much as possible to such seclusion as they can keep, and to their present narrow policy. With no Western influence but Russia in the interior, and no advisers but their antiquated maxims, they

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will drop the easier prey into the lap of their vigorous neighbors—a friend or enemy, as he chose to take the part, and as circumstances recommend.

"Whether Russia will do good or evil to the world at large when she has an army of 2,000,000 on the Pacific, and a revenue to match, is a further point for consideration, but much beyond my province to discuss. I only express my conviction that such a course of things is not only possible but likely, if the Chinese inclination to resist progress and to hold Western nations at arms' length is allowed to control events."

And now within thirty years we see the almost literal fulfilment of this prediction.

A short reference to the occasion of Mr. Cunningham's memorial will help to elucidate the whole Chinese question as it stood then and as it stands now. The Treaties of Tientsin, concluded in 1858, contained a proviso that their terms might be revised in the Tariff and Commercial Articles, at the instance of either party, at the end of ten years. The British Treaty, being the first in importance, was in process of revision, for which great preparations were made during 1867 and 1868. These preparations took, partly, the form of memorials from the various mercantile bodies dotted along the coast and rivers of China. But the terms of the Chinese Treaties with all the Western powers were such as to render it virtually impossible to revise one without revising all, because of the "most favored nation" clause, which entitled each power to claim whatever might be granted to any other. The obvious effect of this proviso was to vest the power of veto in the smallest state that had made a treaty with China. Consequently, the British negotiation necessarily assumed a cosmopolitan character, the representatives of other powers being kept informed, point by point, as progress was made, as well as being frequently consulted in advance. Hence, there was nothing out of the way in an individual American merchant's communicating his views to his own Minister for the use of the British Negotiator, and it came about quite naturally that Mr. Cunningham's Memorial formed part of the voluminous record of the negotiations archived in the State Department and in the Foreign Office.

The revision of the treaties at that time hinged upon one fundamental question, which had been seriously pondered by the British Government, with the result that a mature decision had been arrived at respecting it. The true bearing of that question is more clearly perceptible now than it was thirty years ago—

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for it has not really altered, but remains essentially the same question. It was simply whether pressure should be applied to the Chinese government, either to secure fulfilment of existing treaties or to induce reasonable concessions in the revision of them. Up to that time, nothing had ever been obtained from China without pressure, and the general consensus of opinion was that nothing ever would be obtained without it, not even redress for outrages and injuries. Pressure had always succeeded; persuasion never. Lord Elgin had left it on record that the Chinese yield nothing to reason, everything to fear; and the drama which has been played in Peking during the year 1898 has afforded daily accumulating proof of the truth of that famous dictum.

It was morally certain, therefore, that no revision of treaty—except in a retrograde sense—would be effected by mere argument. It was with this knowledge that the British government entered on the revision campaign. The Chinese, on their part, also fully realized the conditions under which they entered on diplomatic negotiations which they could not openly decline, and, a very unusual thing for them, they made preparations for it, whether on their own initiative or on the prompting of their foreign advisers may remain an open question, though the form and manner of the defensive preparation might be safely assigned to a foreign origin. But, however that may be, at an early stage of the revision proceedings, the Chinese government resolved to send an envoy to Europe and the United States, for the purpose of persuading the treaty powers that the case was precisely the reverse of that stated by Lord Elgin. The envoy was, in fact, to inform the governments of the West that the Chinese would yield nothing to fear, but everything to reason! The agent appointed, or, rather, the spokesman of the two Chinese envoys who formed the mission, was the Hon. Anson Burlingame, at that time Minister of the United States to China. He sailed from China to San Francisco in 1868, and thence proceeded to Washington. He was completely successful, and induced the United States government to make a kind of convention with him which practically consisted of two provisions; one, that the United States would under no circumstances apply pressure to China; the other, that China would employ Americans to build their railways. Mr. Burlingame proceeded next to London, and

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converted Lord Clarendon to the same passive policy toward China, obtaining from him a similar self-denying declaration to that which had been given by the Secretary of State in Washington.

The effect of these gratuitous declarations on the negotiations in Peking was marked and instantaneous. The hope of any liberal extension of the treaties was extinguished. The British Minister told his government so in plainer terms than are altogether usual between servant and master. "If it was difficult," wrote Sir Rutherford Alcock, "to negotiate for large concessions before the assurance authoritatively given by your lordship's communication to Mr. Burlingame, * * * it is now out of the question to hope for more than has already been conceded. * * * Strong in the assurance of two of the great treaty powers, * * * it is quite certain that no further progress can be made at present." In other words, "you have stultified your agent, frustrated his efforts and given away the interests of the country." The position was at last recognized by Lord Clarendon himself, who, in the autumn of 1869, wished to abandon the negotiations over which two years' labor had been expended, in the hope that, when the time came for other powers to revise their treaties, Great Britain might retain an "open door" to profit by their negotiations.

The point of all this is that it is the policy dictated by Burlingame* and accepted blindly by the cabinets of Washington and of London, which has been followed by the two countries for the last thirty years. And it is this particular policy which has brought China to the verge of anarchy and disruption. For it was a public renunciation of influence over the government. On the most favorable view that could be taken of it, it was a negative, sterile policy; devoid of authority; a law without a sanction. It was ruinous to China, because the withdrawal of the powers who had an interest in the preservation of that country left her open to the designs of those powers whose interests, or at least desires, lay in a contrary direction. While England has been fettered by her self-imposed total abstinence dogma, the destroyers of China have been free to revel in the prosecution of their schemes. Which is the actual position to-day.

* It was Mr. Burlingame's plea for a policy of "generosity" that Mr. Cunningham alluded to in the opening sentence of the extract from his Memorial above cited.

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The recovery of British influence is no child's play, for it means a reversal of the policy of a whole generation of statesmen. It is like gathering up water that has been spilt on the ground. This gives us, perhaps, the best key to the attitude of Her Majesty's government during the present year. It was in the position of a steamer in a fog, called on suddenly to reverse the engines, and running on to one obstacle while hurriedly avoiding another. Lord Salisbury himself pleaded this excuse at the Union Club, that his government had been taken aback by the rapid progress of events, and that it was no easy task for them at a moment's notice to discard the policy of Cobden, which had been the law of the land for half a century. There was something pathetic in the naïve confession that the dead hand of Cobden was still paralyzing the government of Great Britain, condemning it to conduct the business of the country on pious theories, which forbade it from taking any account of accomplished facts, and from adapting its course of action to the new developments of the world's life.

Of course, a wider sense is here given to the convenient term "Cobdenism," than the mere abolition of custom houses. The Cobdenism with which Lord Salisbury, Mr. Balfour and their supporters are so deeply infected extends over the whole field of national economics, and it has a serious meaning for all democratic countries. The events which are transpiring in distant parts of the world are putting popular government on its trial. England is in fact feeling the strain of a new conflict, which will shortly be felt in a less, though constantly increasing, degree in the United States also. So long as the interests of a nation are kept within a ring-fence, no device of man could be more conducive to the happiness and prosperity of a community than government by the people. "What favor can we show you?" said Sir Robert Peel to the merchants of London. "Let us alone," was the city's manly response. The legislation of England during the present century has been a continuous demolition of the barriers which checked the free action of the people; and it is not to be doubted that, under the perfect liberty thus accorded to them, the national prosperity has made remarkable strides. Industrial and commercial progress in the United States has, of course, from the nature of the case, been vastly more rapid, and that in spite of sundry self-imposed re-

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straints on trade from which the British people are free. The system that conduces so greatly to individual enterprise and wealth is no less conducive to the collective good of society at large. Cobdenism, if we may continue to use this convenient term, besides being faultless in theory, is also triumphant in practice, so long as no disturbing element intervenes.

Where the scheme fails is in the fact that, on the great chess-board of the world's trade and politics, disturbing elements do and must intervene, in this case turning a domestic success into a foreign failure. Cosmic evolution itself has brought about conditions wholly unforeseen by Cobden, and still unrecognized by his disciples. Industrial and commercial competition have entered on a new phase. The isolated efforts of innumerable individuals are now opposed by compact forces marshalled by powerful governments. In their struggles with such combinations, traders and manufacturers who go a-warfare on their own charges must expect to be worsted. Adventurers, who enter the field with the whole machinery and resources of their national governments not only at their back, but in the van of their enterprises, possess advantages such as an organized army would possess against a host of volunteers. The full disclosure of the new species of international competition has been reserved for this present year, and the theatre of the discovery has been that great unexploited field of commerce, China. There we have seen, in a variety of aspects, the victory of action over inaction, and we have seen the superiority, in certain spheres of competition, of governments which lead their people, over people who lead their governments. While the rulers of Russia, Germany, France, and even Belgium, have been heading national crusades of productive enterprise in China, the governments of Great Britain and the United States have held aloof, and allowed rights and claims to be established to their perpetual exclusion and detriment. The British government has had nothing to oppose to these aggressive movements but Cobdenic maxims treated as if they were axioms of geometry, such as the "open door," "equality of opportunity," and so forth, which were never more than empty phrases, the survival of a state of things that had passed away. Ministers have again and again defended their inaction by pleading the novelty of the situation and the absence of precedents. The principle of non-interference with industry and

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commerce, and of leaving everything to individual initiative, no doubt fits like a glove the theory of popular government; and the principle of *laissez aller*, in relation to other nations, is one which lends itself easily to academic defence, while offering no offence to abstract morality. The only objection to these principles is that they do not harmonize with the facts of national life.

In this mercantile world in which we live everything has to be paid for, and government by the people for the people forms no exception to the rule. Priceless as are its benefits, a price has still to be paid for them, and part of the price is incoherence, slowness of collective action, vacillation and ignorance in dealing with international affairs. The most prosperous countries are, naturally, those in which the citizens have no leisure for public questions which lie remote from their daily life, and who are only too content to resign their international interests to the governments of their choice. Hence, a breach of continuity in the management of affairs, the government waiting for the people and the people for the government. Thus vital national interests fall between two stools. This lapse of responsibility is easily traced in Great Britain, where the initiative, in former times exercised by government, has been step by step surrendered, as the tide of pure democracy has risen, so that now, when an emergency arises, there is no one ready or competent to deal with it. The state then is in the condition of an emigrant ship in a hurricane, left to the helpless devices of the passengers. The United States is in a somewhat similar predicament, with this difference, that, their interests being mostly at home, they have not as yet suffered visible injury for the neglect of their concerns abroad.

Observe now in what a different position such countries as Russia and Germany stand, whose governments hold in leash the national forces, military, diplomatic and political, in readiness to strike at a moment's notice, with no popular voice or even national impulse to wait for. Republican France, even, enjoys a freedom of action scarcely inferior to her autocratic neighbor, for the people expect no consideration in foreign or colonial enterprises, which are consequently left to the discretion of the executive government and to the initiative of official adventurers. When, therefore, the Far Eastern question was opened by the

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Japanese war, these powers promptly cleared for action, while England remained wrapt like a mummy in the cerements of a worn-out policy, unable to move hand or foot to safeguard her interests—actual or prospective. The fetish of non-interference in China had no chance against the energy of powers who were inspired by a passion for aggression. Under the sway of this passion, China is being carved up like a sirloin of beef, as if there were no vitality in her. The ambition of Russia soars far above the mere military occupation of Manchuria or of the provinces of Northern China. She makes straight for the brain centre of the empire, paralyzing its functions. She is loosening the keystone of the arch, in order to find her account in the *débris* of the structure. The process of disruption is in full action. In view of this, France, Germany and Japan are in haste to secure as large as possible a share of what they consider to be a crumbling building, before the northern Colossus engulfs the whole.

But none of these powers has paused to consider what the disruption of a polity embracing 300,000,000 of Asiatics really means; for, even in the cynical and un-Christian epoch in which we live, only professed anarchists would be so anti-human as to lend a hand to accelerate such a calamity. In their greed for gain, however, the spectacle of a helpless nation and an effete government is too strong for moral restraint. We know something of what anarchy in China means, for we had experience of it some forty years ago, when hundreds of its cities were converted into cover for wild beasts, and tens of millions of lives were destroyed without cause. The commercial nations have the strongest interest in preventing the recurrence of such colossal devastation. Putting their motives on the very lowest and, therefore, the more lasting grounds, a depopulated country is of no use to the trader. On the other hand, China kept on her legs is a living mine of wealth to all those nations who are interested in the prosecution of honest trade.

The commercial nations, *par excellence*, are the Anglo-Teutonic, whose interest, in spite of an occasional freak of hot-blooded Kaisers, or the like, is not to break up old "China," but rather, if possible, to rivet the cracks in it. By the introduction of such improvements as railways, steamboats, mining and manufactories, by the infusion of the Western spirit as a new nervous force into the country, and of Western principles

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of action, the resources of China, in men and material, would be rendered capable of providing fertile employment for white men for centuries to come. This is the great undeveloped estate which the present generation of Anglo-Saxons have to leave to their ever-increasing offspring, an inheritance richer far than all the prairies and all the gold mines in the world, because crowned with a wealth of humanity of the most efficient quality, an enormous hive of industry only needing direction, and with capacities for consumption commensurate with their unrivalled powers of production. Had the British and American people been sufficiently alive to the value of this prize, when China was thrown into the crucible in 1894, they would have insisted on their governments safeguarding those precious interests, and not permitting the Chinese Empire to be sequestrated at the hands of the despotic and military states of Europe. What has been done cannot be undone, but the rapid progress already made in disintegration furnishes an imperative reason for conserving what is left. The practical question is, how is this to be done?

China is in the condition of an invalid whose life can only be saved by transfusion of healthy blood. The system has to be cautiously and carefully revived, not by violence, but by tact and patience. A new order has to be evolved out of the present chaos, under which the prosperity of the nation may advance *pari passu* with the legitimate interests of the foreign peoples who seek their fortune in the country. The desideratum cannot be more intelligibly indicated than by saying that it is foreign capital and foreign enterprise that are needed to preserve and to fertilize this valuable field of commerce. China wants her communications to be opened up, her industries organized, her hidden wealth brought to the surface, her natural products utilized. And as, according to the traditional order of procedure of the English-speaking races, as well as of their Teutonic and Scandinavian kinsmen, the enterprise of the people precedes and draws after it the protection of their governments, it follows that the infiltration of capital and skilled direction into China is the proper lever by which the governments of Great Britain and the United States may be moved to interest themselves actively in the welfare of that country. Only by such a policy can the predatory powers be kept from ravaging the country and precipitating anarchy and red ruin among the largest pop-

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ulation on the face of the earth. Every line of railway, therefore, every steam factory, every hole dug in the ground in the interior of the Chinese continent, under either British or American auspices, is a solid gain to the whole commercial world. It is "effective occupation" of the genuine kind, the only kind of occupation that will save the territory from being staked off into exclusive areas, that will keep the door open for the free intercourse of all nations. Consequently, the concession of a railway between Canton and Hankow to an American syndicate is an event of happiest augury, just as every step taken toward connecting Western China with British India contributes to the establishment of free intercourse for all. Such concrete material interests lie at the root of national policy, and constitute the surest means of compelling the attention of our governments to the course of events in China. From whichever side we regard them, these are conservative as well as progressive measures; like mercy, twice blest, benefiting the people of China by opening out fruitful channels for their labor, while at the same time affording productive fields for the creative energy of the West.

Far Eastern affairs have never loomed large before the people of the United States, for the simple reason that their business connections there were by comparison infinitesimal and practically stagnant. A sympathetic interest in Japan was, indeed, aroused on the opening of the Island Empire through the instrumentality of an American naval squadron and a capable diplomatist, and a fair amount of genuine business has sprung up between the two countries. But still the æsthetic has prevailed over the commercial relation with Japan, while in China American diplomacy has been mainly occupied in damming back the flood of Chinese immigrants which was supposed to be threatening the interests of white labor. But a vast change has come over the scene during the last six months, and never was it made clearer that a nation's course is marked out for it by circumstances often unforeseen, than in the revolution which the events of this year have made in some of the fundamental dogmas of American policy. May we not say, "There's a divinity that shapes our ends, rough hew them how we will," when we see the United States, by the necessary sequence of her own acts, forced into the position of an oceanic and an Asiatic power? The course marked out for her by philosophical students of the map of the world, to which she

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seemed indifferent if not coldly averse, has been suddenly forced on her by the inexorable logic of events of her own making. Henceforth, her status as mistress of the Philippines and of the Sandwich Islands imposes on her the necessity of taking a hand in the game that is to be played in the Western Pacific. Fortunate that the question was not delayed until the gates of China were closed and the resources of that empire parcelled out among the anti-commercial nations! The Pacific Ocean acquired a new significance for the United States when the Spanish war broke out and while the battleship "Oregon" was rounding Cape Horn. That was an object lesson which came home to the least imaginative. It doomed the old ocean thoroughfare. It brought the Isthmian Canal within the range of practical politics, it gave a new turn to American speculation, widened the national outlook—in a word, it made the United States a world power *in posse*. Fortunate, we say, that all this happened before China had been disposed of (for without China the Philippines have no meaning), since it confers on the United States the dignity of a great mission as well as the opportunity for great national enlargement. China is a world necessity, and civilization cannot afford that she should become a mere carcass round which the vultures of the world shall gather.

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NATIONAL PUBLIC HEALTH LEGISLATION.

BY U. O. B. WINGATE, M. D., SECRETARY OF THE WISCONSIN STATE BOARD OF HEALTH.

THE perpetuity, greatness and happiness of a nation depend upon the health of its people. The physical and mental strength which characterized Greece is well known. For centuries, she repelled every invader from her shores. "She defied, and at length overthrew, the mightiest of existing empires," and finally subdued all the world to her literature, language, arts, and manners. "*Mens sana in corpore sano*" is an old apothegm. Physical debility must be followed naturally by mental weakness, and what applies to the individual units of a nation must apply to the nation as a whole.

There is nothing in the body or mind of man that is not within the purview of medical science. The medical profession has always been engaged in the development of preventive medicine, as well as in the application of the means of cure; and this work renders that profession one of the most unselfish that can be followed, for it is ever striving to prevent conditions which, if left to themselves, would result in wealth to its practitioners. Men are ever willing to pay for cure, but reluctant to pay for prevention; hence, the physician is always liable to go unrewarded for his most valuable services. The profession, at the present time, is manifesting, in a higher spirit than ever before, the purpose of suppressing infectious diseases, and this comes about largely as the result of a more perfect knowledge of the causes of disease. This preventive work was begun by Jenner over a century ago, and the awful scourge of smallpox has been stamped out wherever successful vaccination has been made compulsory. Medical science has now arrived at a degree of perfection

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which renders it possible for the profession to assume the task of suppressing all of the terrible infectious diseases that desolate the world; but, to be successful in this great and humane undertaking, it must have the co-operation and support of just and reasonable sanitary laws. The knowledge of the invisible foes of human health and life which infest the air we breathe, the water we drink, and the very food we take to sustain life, was very imperfect only a few years ago; but now enough is known of their nature to enable us positively to prevent their direful work and even to destroy their existence.

Governments, in a certain way, have always done something to aid the medical profession in its endeavors to stay pestilence and save the afflicted, but they have persistently declined to make the profession a permanent, integral part of the state in framing and administering sanitary law. Yet they invariably turn to the profession for aid whenever pestilence or disease is upon them.

There has always existed one very vital and fatal defect in the fundamental principle of sanitary law as interpreted by our courts, namely, that an evil condition must actually exist before a legal remedy can be applied. This has absolutely destroyed the efficacy of much of sanitary law. Power to cope with infectious disease after it has made its appearance is insufficient power. Modern sanitation calls for legal power to prevent conditions favorable to the outbreak or continuance of disease; in other words, for power to deal with the causes of the disease instead of with the disease itself; to close the stable, so to speak, before the horse is stolen. This is the power, *par excellence*, required by, and indispensable to, the health officer of to-day. Thousands of human lives, millions of dollars, and untold happiness would be the reward of the American people, if the health authorities throughout the country were clothed with legal powers to act when, in their judgment, it appeared necessary, instead of being compelled to wait until infectious disease actually made its appearance, before taking measures to combat it.

The law is clear as to the duty of the health officer in the presence of an epidemic. His knowledge is fully respected as to what to do then. His judgment is not questioned concerning the enforcement of quarantine after disease has laid low a portion of the community. But the question when to act is left to those who can know no more about it than they can know what to do

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in the face of an epidemic. The only remedy for this unfortunate state of affairs is the education of the people in regard to this great and all important subject. It is now nearly eight years since the American Medical Association, the largest medical organization in our country, recognizing the need and importance of such education, began active operations to create, through Congress, a National Department or Bureau of Public Health, with a medical and sanitary head, so equipped with national sanitary law that its whole time could be devoted to this important function, that it could co-operate with State and municipal health departments, and thus establish an efficient and far-reaching system of sanitary organization, educational as well as executive.

A committee was appointed by the association to take charge of what was understood from the start to be a slow and difficult work, but to those who have given careful attention to the matter the growth of public sentiment in favor of the scheme has been most encouraging.

Of the many bills introduced into Congress relating to public health, none has probably received more favorable consideration than the "Spooner Bill," which was presented to the Senate of the Fifty-fifth Congress by Senator Spooner of Wisconsin, and to the House by the Hon. Theobald Otjen of Wisconsin. This measure was about to come before the Senate for consideration when the war with Spain was declared, and an end to all such legislation resulted; but, when we come to consider the frightful mortality of our young soldiers in the army, from preventable diseases, it would seem that a consideration of sanitary measures merited some attention. During the last session of Congress up to the time of the war, there were two factions at work striving for increased national sanitary legislation, and the same factions will undoubtedly continue their efforts in future sessions of Congress, until one or the other is defeated. One of these factions is striving to increase the quarantine powers of the Marine Hospital Service, believing, or professing to believe, that such a course is the only wise one at present. The other faction, those who favor the "Spooner Bill," believe that such legislation would be the most effective step that could be taken to retard the progress of modern sanitation.

The Marine Hospital Service, a part of the Treasury Department, was created many years ago for the purpose of caring

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for sick and disabled seamen. There is nothing in the organic law which created this service that, in any way, relates to public health service. After the termination of the National Board of Health in the eighties, it was thought necessary, on account of the existence of yellow fever in the South, and the danger of the introduction of Asiatic cholera into the country from abroad, to have some Federal supervision over quarantine. A law was enacted, accordingly, by Congress, entrusting this supervision to the Secretary of the Treasury, that is, practically, to the supervising Surgeon-General of the Marine Hospital Service. From time to time this power of supervision has been enlarged; and, during the Fifty-fifth Congress, Senator Caffery, of Louisiana, introduced and defended a bill which practically gave the supervising Surgeon-General of the Marine Hospital Service autocratic powers, so far as quarantine was concerned. This measure, however, only related to quarantine, a very inconsiderable factor in needed sanitary legislation. Moreover, the bill was very obnoxious to the majority of sanitarians and health officers in the country, inasmuch as it placed in the hands of one man powers which, if enforced, would require military aid, and this is not considered the most effectual way to advance modern sanitation. Then, again, quarantine is an antiquated method of managing infectious disease. It is always objectionable, expensive, and it works great hardship, while the whole trend of modern sanitation is towards rendering quarantine less and less necessary, and ultimately doing away with it altogether. This was the aim of the Spooner Bill. So, while one faction in the Fifty-fifth Congress was striving for a measure which pertained only to quarantine in the hands of one man, and contained features exceedingly obnoxious to a large majority of the leading sanitarians, to health officers and physicians of the country, as well as to the leading business organizations which were affected by quarantine, such as the New York Board of Trade and Transportation, the New York Chamber of Commerce, etc., the other faction was aiming at the passage of a measure broad in its inception, educational in character, harmonious in operation, and meeting the views of a larger number of sanitarians, physicians, and professional and business organizations than had favored any other bill of the kind ever previously before Congress.

This measure provides for a "National Commission of Pub-

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lic Health," which shall be a bureau in the Treasury Department, the duties of which shall be to collect and disseminate information with regard to the prevalence of infectious diseases in this and other countries; to collect and publish vital statistics; to prepare rules and regulations for securing the best sanitary condition of vessels from foreign ports, and for preventing the introduction of infectious diseases into the United States, and their spread from one State or Territory to another; in short, to make investigations, publish information, and formulate rules with a view to the preservation of the public health. It is not intended that the Commission shall be a law-making body, for laws can only be enacted by Congress and State legislatures; but it has been clearly decided by the courts many times that, while a law-making body cannot delegate its law-making powers, it can delegate the power to make such rules and regulations as are necessary to carry into effect, in the most intelligent and reasonable manner, the laws already enacted. The bill provides that this Commission shall be composed of a Commissioner, a representative from each State and Territorial board of health, and a representative from the medical corps of the United States army, navy and marine hospital service. The Commissioner shall be the executive officer of the Commission; he shall be a physician of well-defined qualifications, and shall be appointed by the President, subject to confirmation by the Senate, and his term of office shall be six years. He shall also be provided with an Assistant Commissioner, and a sufficient corps of clerks, assistants, experts, and inspectors to perform the functions of the office. The Commission shall be called to meet in the city of Washington once each year, and oftener if necessary; but, for emergencies, and for obvious reasons, the Commission is wisely provided with an executive committee, consisting of the Commissioner, the representatives from the army, navy and marine hospital service medical corps, and five other members, which, elected annually by the Commission, is clothed with full powers to act, and may be convened by the Commissioner whenever it shall appear necessary. All rules and regulations made by the Commission, or by the executive committee, are subject to the approval of the President, and when approved by him they shall have the full effect of law. The Commission shall be provided with proper offices, fixtures, laboratories, and all needful apparatus to transact its busi-

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ness, located in the city of Washington; and all buildings, boats, laboratories, fixtures and appliances now occupied and used by the marine hospital service for quarantine or public health purposes shall, in due time, be transferred to the Commission of Public Health; it being the intent of the measure that the marine hospital service shall perform the functions for which it was created, and that all quarantine and public health matters shall be wholly under the supervision of the Commission of Public Health.

The proposed law provides for a sufficient quarantine, and for the appointment of medical officers at foreign ports for the purpose of protection against the importation of infectious diseases from abroad, but it does not supersede existing State quarantine. It provides for co-operation with all existing State health authorities; in other words, it provides for a general supervision of all quarantine and public health matters throughout the country, but its work shall be to co-operate with existing authorities and not to supersede them in any instance, except in the presence of an epidemic, or where the local authorities are unable to cope with the disease or are inefficient, when the Commission shall have power to assist and co-operate to the extent of controlling any outbreak of disease.

In making rules and regulations every State has a voice, and by this means harmony will be maintained. The Commission being made up of men who are actually engaged in sanitary work, it will consist practically of a body of experts whose experience, when put into practical operation, will furnish the entire country with most valuable results, and constitute a great educational system of sanitation.

It has been argued that this body is too large to work to advantage, that it is cumbersome and unwieldy; but it is to be borne in mind that the Commission, as a whole, is to meet only once a year, and that the executive committee, consisting of nine members, certainly not a large body, has full power to act under all circumstances. Then, again, the rules and regulations made by the Commission are to be put in force by the Commissioner and his corps of assistants, who are always on duty.

It will be observed that the object of the entire system is to be educational as well as executive. The measure also provides for the establishment of laboratories, whenever and wherever necessary; for investigation into the causes and prevention of

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disease; thereby placing our country on equality with foreign countries which are devoting much time and study to this subject. It has long been a cause of opprobrium to the medical profession of this country that it is obliged to obtain information pertaining to the character of infectious diseases from foreign countries.

A bureau so organized and equipped, and endowed with legal powers by Congress, could not fail to be one of the most powerful and efficient educational and executive sanitary systems in the civilized world. The importance of bringing all localities in the country into the best possible sanitary condition cannot be too highly estimated. This work should be accomplished during the period of development of growing municipalities. Not only would great expense be thus avoided and many lives saved, but the coming generations, by such a course, would be continually educated in the importance and value of sanitation.

These objects can only be attained by a system that will operate uniformly throughout the entire country, and it is encouraging to note that the desirableness of such an advance in national sanitary legislation is becoming fully recognized by some of the leading members of Congress, and another step will soon be taken towards placing our country in the front rank of the advancing civilized nations of the world.

U. O. B. WINGATE.

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NORWAY REVISITED.

BY EDMUND GOSSE.

In my early youth I saw Norway repeatedly, but it happened that six and twenty years had passed since my last visit, when I started for Bergen this summer. If I presume to note down my impressions of the country so revisited, it is very modestly, and with a due sense of the inevitable superficiality of such a survey. My only excuse is that what I shall try to present to the readers of the Review is precisely and exclusively what I have seen and heard. Although, moreover, I had not set foot on Norwegian soil in this quarter of a century, my mind had not been allowed to neglect the intellectual movement of the country; and I was therefore better prepared, perhaps, for forming impressions than the indifferent tourist or sportsman.

One's first idea, no doubt, is that Norway has not changed at all in these six and twenty years. Probably no country in Europe has essentially altered less. To begin with the little physical changes, when I went down the entire west coast of Norway, from the North Cape to Lindesnæs in 1872, there was not a single pier or wharf at which passengers could be landed directly from a steamer; now to have to land anywhere in a boat is an exception. The range of communications has widened rather than altered; there are more steamers on the fjords, more roads over the passes, longer strips of disjointed railway; but the general character of all these is the same. The length of the railway system has increased fourfold, but does not yet amount to 1,000 miles, and holds an insignificant place in this huge country. The roads of Norway are magnificent, but they are still extremely few near the coast. It is odd to come upon large districts, quite close to towns, which are not traversed by a single high road; the whole neighborhood of Stavanger, wherever

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steamers do not touch, nor the railroad to Egersund call, is in this primitive condition. It is this which makes Norway, to the traveller, so inexhaustible. One has a feeling that, with all the abundance of its scenery, the sources of travelling pleasures in it are no more than tapped. There are great slices of Norway waiting to be penetrated by high roads; no one really knows what they may offer to the future tourist. I need only mention the vast unopened district between Sætersdal and the Ryfylke.

The inns in the towns continue to be much what they were. I suppose that I can be no judge; what the guide books call "clean, very fair," I should have called neither fair nor clean. But inside the country there have sprung up in these last years a profusion of the most delightful little Alpine hotels—bright, cheerful, exquisitely clean—which form a distinct new feature of Norway. In 1872, if one left the big towns at all, one was forced to put up at the posting station, or, still more often, to trust to such a bed as the local *landhandler* could find for one. Now, no country is better provided with summer hotels, with which I have but one fault to find, namely, that they are so light and their walls so thin that they rattle like an empty bird-cage if anyone moves heavily or talks loudly. But the wary traveller, shy of the noisy coming and going of troops of guests, will do wisely to secure a bed in one of the supplementary buildings which often cluster round the main hotel. Perhaps no village shows more violently what change has taken place in Norwegian travel than Odda. Now it is the Zermatt of Norway, and swarms with life in its five or six large hotels. In 1872 there was not even a lodging house there, and one had to put up with dirty rooms at the posting station.

In connection with the hotels, no feature surprised me more this year than to see what a very large number of Norwegians now travel for pleasure in their own country. This was quite rare a quarter of a century ago. In most of the places I stopped at this year the Norwegians formed the majority of the guests, the Germans taking the second place, followed, at a long interval, by the English, Americans, Dutch and French. The interest of the Norwegians in their own landscape is growing every year, and is a very pleasing circumstance. It may be the saving of Norway from that desperate servility of Switzerland, where the whole country seems spread, like a prepared meal, before the

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awaited foreigner; and where the obsequious native has the air of saying: "What they all come for, I have not the least idea; but they come, and their money goes into my pockets." It pleased me exceedingly to find the Norwegians taking so leading a part in their own summer pleasures, and I shall think it no harm if they teach the dominant Anglo-Saxon that he is not the only traveller in the world.

In conversation with Norwegians, I tried to discover their attitude towards foreigners, and especially towards ourselves. It seems an amiable one; the peasants regard us with amused friendliness, and the remoter the spot the more friendly they are. The Norwegian is naturally hospitable, and likes a visitor. In more than one place this year I met a group of Faroe Islanders, who had come over from their remote archipelago to see the Bergen Exhibition, and who pushed on to visit the Sogne and Hardanger fjords. These men, handsome specimens of a virile race, were dressed in their very peculiar and becoming national costume, and were the objects of childlike pleasure to the rural populations of the fjord. An instance of instinctive hospitality occurs to me in the fact that in several out-of-the-way hamlets I noticed boards put up for the special direction of strangers, and this by the parish at its own cost, without any outside pressure, out of mere hospitality. The Norwegian is touchy and easily offended by what he conceives to be patronage; and when you arrive in a boat or carriol at a roadside station, you may at first think it boorish that no one comes forward to help you. But this is merely a sort of shy defiance; pleasantly ask one of the men standing round to be kind enough to lend you a hand, and he will instantly do so, without demanding any payment, as one who is pleased to help an equal.

Some evil tales of travellers I heard, as one always hears. The active firms who tout for the timid have invented a new thing which saves people a good deal of trouble, but does not endear a certain class of tourists to Norwegians. This is a book of tickets, each of which represents a bed or a meal. The tourist needs not carry about with him any money at all; he needs not speak or give any sign of humanity; he eats his food and he hands his ticket. The convenience of this is probably patent; an inconvenience seems not to be observed. Nobody can practically go through a country with a book of tickets and nothing

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more. There are extra services to be performed, extra purchases to be made, and for these the visitor must really open his mouth and his purse. I heard some dreadful tales this summer of the meanness of tourists who accepted services and left without payment. I cannot believe but that many of these offences are the result of sheer ignorance. These people have got it vaguely into their heads that the ticket meets every requirement, and as they are launched upon their wild career without money or language, they can neither explain nor pay. But the firms who issue these tickets should, in my opinion, explain much more clearly than they do to their clients the limitations of their use.

A novelty has been introduced of late into the Norwegian country hotels which is regarded with mingled feelings by the country people. The Englishwoman, who, in spite of the march of education, remains convinced that all foreigners are either Papists or heathen, has been found to be wooed to Switzerland by that system of the summer chaplain with which we are so well acquainted. The enterprise of I know not whom has, within the last year or two, spread this system to Norway, where, I make bold to say, it is not wanted. Perhaps, at one or two tourist centres, such as Balholm and Odda, it does no harm to have an English chaplain. In other places, the thing becomes a farce. At one hotel this summer, to my personal knowledge, the chaplain had not a single worshipper to attend his services; I hope he was honest enough to let this be known at home. In other cases, the Norwegian servants of the hotel and even neighboring peasant children are tempted in, on the pretence of "listening to the hymns," in order to make up a shadowy congregation for the weekly report. In the whole thing, there may doubtless be an element of piety; I have no hesitation in saying that there is also a deliberate bid for the support of bigotry and snobbishness. And the Norwegians resent it very much, though they may be too polite to say so to the English parson.

There is no subject on which the Norwegian is better pleased to dilate than on the politics of his country. When I was in Norway in 1872 I fell into the camp of the ultra-conservative party in Christiania. My friends were Jakob Lökke and Ludvig K. Daa, Aschehoug and Birkelund, Olaus Rygh and L. Daae. These distinguished men were marvellously kind to me; they admitted me to their symposia, and I think they were not unwilling

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that their views should be presented to English readers. I heard L. K. Daa make his famous boast that radicalism might sweep so far as the capital, but that its crest would never break over the battlements of Christiania. I shall never forget being taken over to Oslo, the ancient capital of Norway, by Birkelund, nor his inspired address there to the spirit of antiquity. Most of these gallant leaders of a hopeless reaction have gone to their rest and they would shiver now if they revisited the glimpses of Oscarshall. L. K. Daa would find that the dreaded wave of radicalism had so far outtopped his battlements that every one of the seats for Christiania are now in the hands of the Left. Of the towns which, in 1872, were the stronghold of conservatism, not one holds out, not even the venerable and aristocratic city of Throndhjem.

It is not easy to grapple with Norwegian politics. The English newspapers are always hopelessly at sea about them. Nor do I pretend to follow them closely, but to understand just enough to evade the broadest usual fallacies. I do not speak of "the Kingdom of Scandinavia," nor suppose Norway to be a colony of Sweden, nor talk of the "Treaty of Union" when I mean the Rigsakt. Still I have much to learn, and I tried, this summer, to get a clearer insight into the matter. As I say, there is no subject upon which Norwegians are readier to talk, and my informants, mainly of the peasant class, were pretty unanimous in their reports. Every six months the political position alters, but there have been two periods of dangerous crises in Norwegian history since my last visit. One was in 1884, when the King strained to snapping point his privilege of absolute veto; the other in 1895, when Sweden and Norway were far nearer an outbreak of civil war than is generally known outside. That Swedish troops were actually ready to enter Norway is, at all events, universally credited, and it is equally certain that Norway was ready to give them a warm welcome.

Since then, the strain has somewhat relaxed. Norway is beginning to forget. The King has given way before, they tell you; he will probably give way again. The feeling for a republic, which was very strong in 1895, slumbers a little. The people I listened to described themselves as theoretically republican, but not wedded to it. One or two were in favor of a national kingdom, under a constitutional monarch. All combined, as a matter

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of course, in expressing a wish to be separated from Sweden and the official Stockholm clique of *storsvensker*. Meanwhile, this spring of 1898 has given universal suffrage to Norway, and that has pleased and contented what is unquestionably the most democratic population in Europe. But it must not, I think, be taken for granted that difficulties are not brewing. The question of joint representation in foreign countries by ministers and consuls is one which keeps the wounds of jealousy always open. The whole matter will be one a solution of which it will be very difficult to find so long as Sweden persists in imagining that she is in any way the superior, whereas she is only the exact equal, of Norway.

Since 1872, the literary place taken by the country of Arne and Peer Gynt in the attentions of the rest of the world has immensely developed. Then, if Björnson was slightly read, Ibsen was entirely unknown, and there was no notion abroad of the imaginative forces at work in Norway. I found those with whom I talked this year particularly ready to boast of the two magnificent names which their country has given to the world in poetry and travel, Ibsen and Nansen. Every man is gratified at the magnitude of these two reputations. Ibsen, who has never pretended to follow the crowd, fares better to-day, perhaps, than Björnson, who has wished to lead it. I met with the quaint objection to Björnson that he writes more to foreign (and particularly to Russian) newspapers than a patriot should! The poets are wisest if they stand outside politics, and Ibsen loses nothing because he is a grim old Tory and dines with the King. Even Kjelland, who used to denounce decorations and armies with satirical bitterness, now wears the uniform of the monarchy and defends the royal interests as burgomaster of Stavanger.

The curiosity of native readers is no longer with these classed and accepted masters, but with their successors. Of these little is known outside Norway, and no doubt, numerous as they are, they appeal to a limited class, even in their own country. The tendency among the youngest writers is, so far as I can judge, rather too cosmopolitan for home consumption. The universal tolerance which is part and parcel of the democratic temper of Norway allows its young authors, male and female, a surprising license; and with these Northern writers particularly, the literature of indulgence is the literature of disease and horror. What

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the French say with a certain grace, the youngest Norse novelists like to say without any attempt at amenity or reticence. I am not concerned to reprove the morals of Mr. Knud Hamsun or of Mrs. Amelia Skram, but it is within the mark to ask whether the depraved and horrible pictures of life which these clever novelists present to us are true to the conditions around them. I am assured that they are not, that the exception is taken as the rule, and that the palette is wilfully loaded with unnatural colors. If so, and I incline to believe it, this is another ill result of that condensation of European streams of style into one artificial channel which is so much to be deplored.

My contact this summer, however, was not with the coteries of Christiania, but with country people who have not had occasion to taste the prepared dishes of the "schools." There is perhaps no country in the world where a general intellectual interest is so widely diffused as in Norway. I am inclined to think that the influence of the *folkeskoler* has much to do with the high level of knowledge in the present generation. The acquaintance of the peasants with their earlier native literature is sometimes startlingly extensive. The boatmen who rowed us to church in the Hardanger not only knew all about the history of Landstad's now official hymn book, about the sermons of the Danish bishop Grundtvig, and about the divine poems of old Thomas Kingo, the George Herbert of Denmark, but one of them surprised me by dropping a remark regarding the theology of Prof. Caspari. I spent a long day in the mild ascent of the mountain Vesholdo, in company with a guide who deprecated that he was not a *laerd mand*, a person of cultivation, but than whom I do not wish for a more quick and intelligent companion. But perhaps the most amusing example I can give is of a walk I was taking, in a rather remote district; I lost my way among the bridle-paths, and stopped to ask the road of an unusually ragged-looking middle-aged man, who was working in the meadow. With characteristic kindness, he insisted on walking some distance with me, and he took the opportunity to cross-examine the stranger. Presently he said, "Do you know anything of our poets?" "Have you any?" I retorted, anxious to see what the answer would be. It came pat: "Excellent ones; and Ibsen is the best of them." Such instances of appreciation of the highest imaginative life of the nation are as surpris-

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ing and cause as pleasant an emotion as when, in the rough and broken fir woods of Telemarken, one comes suddenly upon a black water wonderfully lighted up and distinguished by the cups of waxy water lilies.

The national feeling for music is akin to the national passion for poetry. The festival at Bergen this summer, under the presidency of Grieg, gave a stimulus to musical art which will be felt throughout the country. The fiddle is still the Norseman's instrument of predilection, and competitions keep alive the native skill. A tragedy deprived the Hardanger of her most famous violinist, Fjuflaaten, while I was there in July of this year. The musician, in company with another man, had taken a horse over the fjord from Utne. They were returning, when a squall swamped the boat, and both were drowned. One singularly suggestive custom is, I am afraid, although not abandoned, going out of fashion. It was usual for the men who watched for salmon along the coast to take their fiddles with them to wile away the tedious hours at the top of the enormous salmon stairs; and the sound of the violin, from some point which seemed hung between sky and sea, was marvellously mysterious and wild in the long-drawn Northern twilight. The sentiment of this music and these environments is well rendered by that one of the young Norwegian writers in whom I find most enjoyment, Thomas Krag. His last volume of stories, "*Tusmörken*" (or "Twilight"), was in my hand this summer as I wandered in the woods or floated on the waters, and I should be ungrateful if I failed to acknowledge the refined and sympathetic pleasures which it gave me.

One of the most characteristic and most charming incidents in rural Norwegian life is still, as it must always have been, to go to church on Sunday in a boat. The parishes are of enormous extent, and it is a common thing for one old priest to have charge of three or four remote churches. Early in the morning, at distant points, the congregation puts out upon the fjord, and nothing is more picturesque than at the close of the voyage, to see the little flotilla of red-brown sails collecting toward the point of worship. When service is held but once in three or four weeks, a short sermon would defraud the congregation. I sat out one of fifty minutes the other day, in a great bare church that was all a-flutter with the enormous white head-dresses (or *skout*) of peasant women. This sermon seemed lengthy, yet it was only an

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incident in the service, which lasted four hours; after three of them, however, a stranger may slip out, and will have done wisely if he brings some sandwiches with him to eat under the birch trees by the shore. The churches in these secluded havens, where never a tourist comes, are marvellously large. Behind the church, if we stroll about, we see a crowd of carriols, and many plump white ponies eating their heads off, the mothers with their foals beside them. These people think nothing of coming twenty miles to service, by sea or land, and throughout the interminable office they preserve an earnest and hushed decorum. They have, however, one terrible and national failing. Although notices are posted up in the churches, desiring the worshippers not to spit, these are quite unavailing in distant country places, where the continual hawking and expectorating alarm the ear like the bombardment of a city.

It is, as I have said, the vast and inexhaustible extent of Norway which gives us so much confidence in its æsthetic future. It can never be spoiled; the spirit of its landscape is as untroubled by satiety as Shelley's skylark. I had the pleasure of passing through the Röldal and Suldal districts this year, a portion of Europe which, when I was last in Norway, was as inaccessible as the interior of Candia. Röldal is a high mountain valley, of sinister depth, the bottom of which is filled by a dark lake, sinuous among the mountains. At the present time, one of the splendid national roads rises by endless serpentine windings to the height of 3,400 feet from the sea at Odda, and then dips over into Röldal, dispersing travellers again over a pass to the southeast or down a ravine of extraordinary majesty to the west. But, until long after I was in Norway in 1872, this valley remained an Alsatia, the haunt of escaped criminals, a place so remote and perilous and embattled that if thieves and murderers got off safe to Röldal, the wisest thing was to let them settle there undisturbed. This is a little fact, unknown to the guide books, which may amuse those who drive to-day in perfect comfort from Breifond to Bratland. Who knows how much more of virgin sublimity and beauty the engineers may open up to us in the length and breadth of Norway?

EDMUND GOSSE.

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THE POWERS OF THE INTERSTATE COMMERCE COMMISSION.

BY THE HON. CHARLES A. PROUTY, OF THE INTERSTATE COMMERCE COMMISSION.

In the spring of 1887 Congress enacted what is entitled "An Act to Regulate Commerce," and what was intended to be a law for the correction of abuses in interstate railway transportation. That act created a commission, called the Interstate Commerce Commission, charged with the duty of executing its provisions. The law having been enacted, and a tribunal for its enforcement created, the subject apparently dropped from public attention.

That the law has effected much good, abundantly appears from a comparison of the condition of things as developed upon the hearings before Congress which led up to the passage of the act with the conditions of to-day. Many evils, however, have not been corrected; in some instances they have perhaps been even aggravated. In some respects the law possibly bears too severely upon the carriers. Decisions of the Supreme Court of the United States within the year have determined that the Commission did not possess powers of the most vital consequence, which it had assumed to exercise from the first.

From all this it had in the fall of 1897 become evident that in the interest of both the railways and the public this law must be revised. The railways already had before Congress certain important amendments to the act which they were urging with great insistence. With a view to presenting the side of the public as well, so that Congress might have before it the claims of all the parties, the Commission in its Eleventh Annual Report endeavored to explain the present condition of this law and to point out

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the amendments which were necessary to secure to the public the benefits contemplated by the original act.

The recommendations of that report have been most bitterly assailed. Joseph Nimmo, Jr., LL. D., one time Chief of the Division of Internal Commerce in the Treasury Department at Washington, has declared that the suggestions of the Commission amount to "unmitigated governmental imperialism of the populistic type." Mr. Aldace F. Walker, a former member of the Interstate Commerce Commission, and now a very potent authority in railway matters, asserts in a pamphlet recently published that "the powers outlined in the report . . . cover all that the wildest advocate of a bureaucratic system could desire," and are "the most enormous ever conceived by the human intellect." These statements have been reiterated by many lesser lights and have been widely copied in the newspaper press. From all this has grown an impression in certain quarters that the suggestions of the Commission are in fact un-American in principle and impracticable in application, and that the Commission has sought to grasp an autocratic power far beyond the scope of the original act. Many people who believe firmly in the interstate regulation of railways and in the act to regulate commerce feel that to pass the Cullom bill, which embodies in the main the recommendations of the report, would be going too far.

The thing specially animadverted upon by Mr. Walker and Dr. Nimmo, and especially obnoxious to the railway interests, is what they term "the rate making power." It is gravely said that nothing less than the power to make all interstate railway rates is aimed at, and that to grant this "revolutionary" authority would be to paralyze commerce and "threaten all energy and enterprise."

The best answer to all this is the report of the Commission itself, in which these matters are fully discussed. Nobody reads, however, a government report; and hence I wish to state here, without any attempt at elaboration, just what the Commission has asked for in respect to rates, just why it is asked for, and just how that power compares with that exercised by the Commission in the past.

Mr. Walker and Dr. Nimmo assert that the Commission is seeking the full rate-making power. I deny that any rate-making power, in the proper and ordinary acceptation of that term, is sought. Fortunately, however, there is no need in this instance

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to rely upon the statement of anybody. What word properly expresses the thing asked for may be matter of discussion. The thing itself is not, and any person of ordinary intelligence can understand what that thing is.

Let me illustrate by an actual example. The case which I have selected for that purpose is entitled "Grain Shippers' Association of Northwest Iowa vs. the Illinois Central Railroad Company and Others." It differs in no respect from many other cases now pending, except that certain of the complainants have sought relief in the courts, so that this case in its various phases presents the question more completely than most.

The complainant in the case is a voluntary association of persons interested in the shipment of grain from Northwestern Iowa and that vicinity; and the complaint attacks the reasonableness of the rates on grain from that section to Chicago. For the present purpose Sioux City may be taken as representing this section, and the rate from Sioux City as representing the rate from the whole section, although in point of fact all the rates are not the same. The tariff rate on wheat from Sioux City to Chicago is, or was, 22 cents per hundred pounds. The complainants say that anything in excess of 17 cents per hundred pounds is an unreasonable charge, and therefore in violation of the law.

In order to understand just the manner in which this so-called rate-making power is to be used by the Commission, it is necessary to understand the history of a proceeding in which it is to be applied, like the one under consideration. In view of the fact that no one individual can cope with all these railroad companies, the act to regulate commerce provides that a proceeding may be prosecuted by an association like the complainant in this case. To institute such a suit a sworn complaint is filed, setting forth the grievances complained of. When this is received at the office of the Commission a copy is served upon the various defendant railroad companies against whom complaint is made, and they are required to file an answer, also under oath, to the complaint. If an issue of fact is presented by the allegations in the complaint and the allegations in the answer, a trial of that issue is had before the Commission. Upon this trial testimony may be given, either by the production of witnesses or by deposition. If witnesses are produced, their testimony is taken down verbatim and afterwards reduced to writing. In a word, the trial of this issue

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of fact is conducted before the Commission exactly as an issue of fact would be tried before a court in a judicial proceeding.

After the testimony is completed, the case is argued, precisely as it would be before a court, and then, from a consideration of the testimony, the Commission decides whether or not the complaint is sustained.

It is not, of course, intended to express any opinion in the present instance as to the merits of this particular controversy, but it may be assumed, for the purpose of the illustration, that the Commission is of opinion that the complaint is well founded, that the present rate of 22 cents is unreasonable, and therefore in violation of the statute, and that a rate of 17 cents would be reasonable. Now, the power which the Commission asks is to compel the carriers to charge for the future what has been determined to be a reasonable rate. It will be seen later that the decision of the Commission can be reviewed in the various courts of the United States, going in most cases to the Supreme Court.

This is the only power over rates which the Commission asks for, and this is not the power to make a rate, but the power to correct a rate when it has, with every formality, been determined to be wrong and unreasonable. The carrier makes, publishes and puts in force its rates, and with this the Commission can neither by direction nor indirection interfere. It is only when the Supreme Court of the United States has declared, if the carrier elects to carry the case there, that the rate established by the carrier is unreasonable and that the rate suggested by the Commission is reasonable, that the latter rate can be put in force. This is the "rate-making power" which has been paraded before the country, which is to wither up our commerce and destroy our energy. This is "imperialism," "unmitigated imperialism," and of the "populistic type" at that.

Now, why is it necessary that the Commission should have power to compel the carrier to charge this rate for the future? Because in no other way can the provisions of the act to regulate commerce be made effective. The first section of that act declares that all rates shall be just and reasonable, and without the power to compel the carrier to charge a rate which is just and reasonable the benefit of that prohibition cannot be secured to the public.

In the case under consideration the complainant asks an order for reparation. That is to say, it asks that the defendant railroad

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companies shall be compelled to repay to the various members of the association whatever sums have been exacted over and above a reasonable rate, in this case the difference between 17 cents per hundred pounds and 22 cents. Why does not this afford a complete remedy?

The Interstate Commerce Act provides that in case a person is damaged by a violation of that act, a suit for such damages may be begun either before the Commission or directly in the Circuit Court. In reference to the rates under consideration, certain persons, being in reality the same who are conducting the prosecution before the Commission, did bring suit in the proper circuit court for the recovery of the excess over and above a reasonable rate in case of shipments made before the filing of the complaint. The court in that case has recently held that the action will not lie, that the published rate is presumptively a reasonable rate, and that the shipper cannot maintain an action to recover any part of that rate which he has paid. As the law stands to-day, therefore, there is absolutely no remedy for the exaction of an unreasonable freight charge. The Commission has no power to compel a reasonable rate for the future, and neither the courts nor the Commission have power to award damages for the exaction of an unreasonable rate in the past. Although the statute of the United States expressly declares that rates shall be just and reasonable, the carrier can with immunity in interstate traffic impose and collect without responsibility to anyone whatever rate it sees fit.

Let us assume, however, that the decision of the Circuit Court in that case was wrong, as may possibly turn out after years of litigation, and that reparation can be awarded. Does that afford a remedy?

The complainants in the case under consideration are grain shippers, not grain producers. They buy from the farmer and sell upon the market, and this is the method by which the farmer ordinarily disposes of his grain. The price of grain in that country is determined usually by the Chicago market and the freight rate. If the freight rate is advanced, the price to the farmer is reduced. If the freight rate is reduced, the price to the farmer is advanced. In the present case, if the rate were reduced 5 cents per hundred pounds, wheat at Sioux City would be worth approximately 5 cents per hundred pounds more. The rate is not, therefore, a matter of much consequence to the shipper, since the price he pays is deter-

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mined in view of whatever that rate may be. The loss ultimately falls upon the producer.

The only one who can recover an excess in the freight rate from the carrier is the one who has paid it. The farmer does not pay for it. Therefore he can recover nothing. A moment's consideration shows that with reference to the damage already done there can be no adequate remedy. The only substantial relief is to correct this rate for the future.

It is said that railway rates are not at the present time unreasonably high, and that there is therefore no occasion for a law by which they can be made lower. Assuming that rates in the aggregate are too low, it does not by any means follow that individual rates are not too high. The reduction of rates hitherto has been accomplished by the action of competitive forces, and those forces have not been equally active at all points. It results that while many rates are too low others are too high, and that one individual is making good the loss incurred by the railway in the service of some other individual.

Certain it is that complaints of this character are continually made. Such complaints have been habitually entertained and decided by the Commission in the past. There are now pending before it many cases in which the complaint is against the excessive rate. The reductions asked for in these cases would aggregate many hundreds of thousands of dollars annually. Without question, the complainants in the main honestly believe in the justice of their contention. My claim is that so long as the statute prohibits an unreasonable rate, and so long as shippers, including whole sections of this country, declare that unreasonable rates are exacted, there should be some tribunal which can entertain and decide that question, and, if the complaint is established, administer adequate relief.

It is not, however, alone, nor in the main, in the correction of the excessive rate that this power must be exercised. The third section provides that railways shall grant no undue preference to any person, locality, or commodity. Perhaps the most frequent complaint in the matter of rates is that they violate the provisions of this section, and it is even less possible to correct violations of this kind without the power to establish a rate for the future than to correct an excessive rate.

For the purpose of illustrating this, I will take an informal

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complaint which has been made to the Commission. By this is meant a complaint which has been received, but which has not assumed the form of a litigated case.

It is a matter of history that the Standard Oil Company in the past has received from various railroads enormous preferences. One of the things which led to the enactment of the Interstate Commerce Law was the hope of restraining preferences of that kind. It is charged, however, that such discriminations, though in a different guise, still continue.

The Standard Oil Company has large refining works at Whiting, Ill., near Chicago. Several large independent refiners are located at Cleveland, Ohio. Whiting takes the Chicago rate. The rate on most articles from Chicago to New Orleans, for example, is about 8 per cent. lower than the rate from Cleveland. Linseed oil takes from Chicago to New Orleans the rate of 26 cents per hundred pounds, and from Cleveland to New Orleans the rate of 28 cents per hundred pounds. Petroleum and its products seem to be an exception. The rate on that kind of oil from Chicago is 23 cents and from Cleveland 31 cents per hundred pounds, being nearly 35 per cent. in favor of Chicago. The independent refiners charge that this discrimination practically excludes them from these Southern markets.

Now, it should be carefully borne in mind that no opinion is expressed in reference to this complaint. A freight rate is a peculiar thing, and what seems utterly inconsistent upon the face is often seen to be entirely proper when the facts are developed. That may be so in this case. It is quite possible that oil obtained from the earth should be subject to different conditions than that extracted from the seed of a plant. But it is also possible that the complaint is well founded. It is one of many of a similar nature. Let us assume that it is, that a formal complaint has been made, a formal trial had, and the conclusion arrived at that the discrimination exists. How under the law, as at present applied, can that discrimination be corrected? It must be remembered that the rate from Cleveland is made by one line and the rate from Chicago by an independent line. It might be thought that the rate from Cleveland is too high, but this is by no means necessarily true. That rate may be a just and reasonable one, and the iniquity may be in the fact that the rate from Chicago is unreasonably low in comparison with other rates. No suit can therefore be brought by

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anyone nor any penalty inflicted upon anyone for an overcharge, because no overcharge exists. This injustice can in fact only be prevented by laying hold upon the rate itself and correcting that.

And what is the objection to investing the Commission with authority to prescribe this remedy ?

If two individuals enter into a certain kind of contract, a court of equity will compel a specific performance of that contract. Most railway charters grant the extraordinary privileges which they contain upon condition that the corporation shall become a common carrier for reasonable rates of toll. When the corporation accepts that charter and avails itself of those privileges, it impliedly agrees with the State that it will discharge the duties of a common carrier for a reasonable compensation. Now, if it insists, in violation of that obligation, upon an unreasonable compensation, is there any reason why the State may not specifically enforce that contract? It may be said that in most instances the charters have been granted by the State and that there is therefore no implied contract of that sort between the Federal Government and the railway, but so far as this interstate transportation is concerned, the State under our peculiar government surrenders its power to the nation, and that power may properly be exercised by the nation. Laying aside any consideration of that sort, however, assuming simply that the right of the national government extends to securing upon interstate shipments a reasonable and non-preferential rate, what objection is there to directly compelling the carrier to make that rate ? Does not such a method of procedure do exact justice to all parties, and is there any other which can ?

It is said that the power is a tremendous one. The freight rate may crush out an industry or stifle a community. A power of this extent ought not to be vested in any tribunal.

The power certainly is great, but is that a valid reason against its exercise? Shall a wrong be unrighted because it is a great wrong? When an individual or an industry or a locality finds itself in the tightening coils of a railway corporation, shall there be no relief ?

It is objected that the Interstate Commission is not qualified to deal with questions of rates. The suggestion seems to be that long experience in traffic matters is essential to an understanding of these subjects, and that no one not thus specially qualified can apprehend them.

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Let it be carefully observed just what the function of the Commission is. That body does not make the rates. Experienced traffic managers still perform that duty. The Commission only sits in revision of those rates, and to inquire whether they are in violation of the Interstate Commerce law.

Railway rates are not made as a young duck swims, by instinct. The traffic manager can state the reasons upon which he has proceeded in a particular instance, and those reasons can be apprehended by a person of ordinary intelligence. That the present Commission is not qualified to cope with these subjects may be true, but that five men chosen, as this law contemplates, for their special fitness, exclusively occupied in the hearing of questions of this kind in all parts of the country, looking at the problem, not alone from the standpoint of the traffic manager, but from every standpoint, cannot intelligently consider and decide these questions, is absurd.

Certainly that tribunal would make mistakes. Every human tribunal, except a court of final resort, does that. But is not an adequate safeguard provided against those errors?

If the Commission, after the fullest investigation, has determined that the rate made by the carrier is in violation of the act and has ordered the carrier to so alter its rate as to bring it into conformity with the act, the railway company may review that order in the Federal courts, and the court may direct that the order shall remain inoperative during the pendency of such proceedings. These proceedings, in review, may be taken first in the Circuit Court, from thence to the Circuit Court of Appeals, and finally, if the amount in controversy exceeds $2,000, to the Supreme Court of the United States. In no case, therefore, where the result of the change is of the consequence of $2,000 to the carrier can the rate be changed if the Supreme Court of the United States is of the opinion that it is not "a legal, just and reasonable" one.

It is alleged, in the third place, that the power asked for in respect to the correction of rates is a new and a revolutionary power, never before seriously thought of in connection with the act to regulate commerce and which the Commission is seeking to arrogate to itself now for the first time.

The fact that this power is a new one, were that a fact, would not be conclusive against it. If the experience of ten years had

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demonstrated that in no other way could the principles of the Interstate Commerce Act be enforced, that might afford a sufficient reason for bestowing even an untried authority. Such is not, however, the situation. This power is not new. It can be demonstrated that in the popular apprehension the Commission always possessed this power, that for the first five years of its existence the railways conceded its existence, and that from the first case in which its exercise was possible down to the 24th day of May, 1897, it was uniformly exercised by the Commission.

Mr. Walker, in his pamphlet above referred to, has stated with great emphasis that this authority is a novel one. The substance of what he says is that the Interstate Commerce Act conferred upon the Commission no power over rates and that no one at the time of its passage supposed that it did; that at first the Commission itself was in harmony with this view of the situation and disclaimed all authority to nominate rates, but that subsequently in the progress of events it began to seek such authority, when its aspirations were checked by the decision of the Supreme Court in May, 1897.

For the first eighteen months of its existence, Mr. Walker was a member of the Interstate Commerce Commission. An examination of the records and files of that body during that period will show that no authority over rates is asked for to-day, with a single exception, and that an apparent one, that was not either actually exercised by him during that period or the granting of which he did not recommend to Congress.

The act to regulate commerce became effective April 5, 1887, and the Commission very soon organized.

On the 15th day of June, 1887, complaint was filed by one Evans against the Oregon Railway and Navigation Company, charging that the rate of freight for the transportation of wheat from Walla Walla, in Washington Territory, to Portland, in the State of Oregon, was excessive. Testimony was subsequently taken in that matter, and the case was submitted October 12 and decided December 3, 1887. So far as I can ascertain, this is the first time the Commission ever held that a freight rate was excessive. The order in that case was:

"Now, it is ordered and adjudged by the Interstate Commerce Commission that on and after the 15th day of December in the year 1887 said defendant must cease and desist during the present grain season, namely on

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and from the 15th day of December, 1887, until the 30th day of June in the year 1888, from charging and receiving more than twenty-three and one-half cents per one hundred pounds, or four dollars and seventy-five cents per ton, on wheat transported by it over its railroad lines from the city of Walla Walla in Washington Territory to Portland in the State of Oregon."

Here, then, in the very first case in which that could be done, a rate was prescribed for the future. All opinions and orders of the Commission are matters of record. The record in this case shows that Aldace F. Walker was present and participated in the making of the order.

One means of imposing an unjust freight rate is by an unjust classification of the freight. The rate upon first-class freight is more than upon second-class, and if an article which ought to go second class is classified as first class the rate, while a proper one for first-class articles in general, is too high as applied to that article. Therefore, in order to adjust that rate it is necessary to change the classification, and one of the powers asked for by the Commission is this.

January 13, 1888, the case of Reynolds vs. the Western New York and Pennsylvania Railway Company was decided. The complaint was filed October 17, 1887, and was that the defendants classified railroad ties as fifth class when they should be classified with lumber as sixth class, and that certain special commodity rates were given to lumber which were not given to railroad ties. The Commission sustained the complaint and an order was made directing the defendant for the future to classify railroad ties as lumber.

This was the first case in which an order of that kind could have been made. Mr. Walker delivered the opinion of the Commission and the record shows that he was present and participated in the making of the order.

The third power asked for by the Commission over rates is, in some instances, to determine the divisions of a through rate. The route between two points is often made up of connecting lines, and the rate by this line cannot be altered unless some one has power to determine in what proportions the different companies shall share in the total rate. It became evident pretty early that the omission to provide some such authority was a defect in the act itself, and in its second annual report the Commission presented to Congress a recommendation that it should be invested with this

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power, which was manifestly necessary to carry out the contemplated purposes of the act. That report contained a proposed bill for the purpose indicated. The report was signed by Mr. Walker as one of the Commission, and I am informed upon credible authority that he himself prepared this bill. In an opinion delivered March 25, 1889, he said:

> "The facts in the present case clearly develop the importance of such an amendment as shall provide a mode of procedure for carrying into effect the establishment of through routes and through rates and the equitable apportionment of the rates established, in cases where the refusal of such routes and rates works an unlawful preference. . . . The recommendations concerning amendments to the third section of the Act, which were made in the Second Annual Report, are therefore again renewed."

These three things, the fixing of a maximum rate, the changing of a classification, or what is analagous to a classification, and the determining of the divisions of a through rate in some instances are the only powers over the rate which are suggested in the Eleventh Annual Report, with the exception of the power to fix a minimum, as well as a maximum, rate whenever that is necessary to correct discriminations under the third section, and in no other case and for no other purpose.

It is apparent, therefore, that every substantial power over rates which the Commission asks for in its Eleventh Annual Report was actually exercised by it while Mr. Walker was a member of it. These powers which he now denominates "the most enormous ever conceived by the human intellect, . . . all the wildest advocate of a bureaucratic system could desire," were actually dispensed by him. The two important things to be observed are: (1.) That the fact as to the original understanding of the law is not as he states it. (2.) That during the six years following the passage of the act while these powers were assumed by the Commission and conceded in the main by the railways, none of the disastrous effects which he predicts followed. The commerce of the country was not dried up, nor were its energies prostrated. Upon the other hand, in these earlier days of the act to regulate commerce very great good was accomplished and many wrongs were corrected by the exercise of these very powers.

Mr. Walker says that at the time of the passage of the act no one supposed that it conferred the power to prescribe a rate for the future. It has been shown what the Commission and Mr. Walker himself, while he was on the Commission, understood in

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that respect. How did the carriers view this question? So far as I can learn by investigation and inquiry, no doubt was ever suggested by them as to the right of the Commission in this respect for the first six years of its existence. Orders of this sort were for the most part complied with. In some instances they were resisted, but never upon the ground that the authority to make them did not exist. During all that time in no answer, in no argument before the Commission was existence of that authority questioned. This position was first taken in what is known as the Social Circle case, which was decided by the Circuit Court in 1893. The Orange Rate case, in which the decision that no such power existed was finally made by the Supreme Court of the United States, was tried first before the Circuit Court and then before the Circuit Court of Appeals before being taken to the court of final resort. In both of these inferior courts the railways were represented by able counsel and the cases were stubbornly contested, and yet in neither the Circuit Court nor the Circuit Court of Appeals was this question raised. It was only presented in the Supreme Court after it had had been first suggested in the cases above referred to.

The same remarkable change of views is observable in the opinions of Dr. Nimmo. To-day no language is severe enough to characterize the rate-making aspirations of the Commission. In 1893, the Patterson bill, so called, being under consideration, and it being suggested that perhaps in connection with that bill, which permitted pooling, the Commission ought to be given power over the rate in the first instance, Dr. Nimmo appeared and testified before the House Committee. The following is an extract from that testimony as printed:

"SENATOR CHANDLER: Let me ask you if it is your idea that it will be suicidal paternalism to allow the Interstate Commerce Commission to fix reasonable rates in the beginning?

"MR. NIMMO: Yes, sir; I think it would.

"SENATOR CHANDLER: But you think it is entirely a legitimate governmental interference to allow them to reduce, if they can, exorbitant rates after they are once fixed?

"MR. NIMMO: Yes, sir; upon a complaint and hearing of the case."

But, as I have already shown, the only instance in which the Commission asks for the right to reduce rates is upon a complaint and hearing of the case. Dr. Nimmo, therefore, approved in express terms in 1893 what he declares in 1898 to be "unmitigated imperialism."

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The criticisms of Mr. Walker and Dr. Nimmo are significant as indicating the attitude of certain railways, not perhaps a majority, toward the proposed legislation. That attitude and the reason for it are not difficult to understand. Originally the railways naturally opposed the passage of this law. When it became evident that some measure of the sort would be enacted, the object was to make it as harmless as possible. Several great railway systems suffered a change of heart, and were not only ready to admit that there ought to be such a law, but even to suggest what it ought to be. Some acute lawyer was ready to suggest at every vital point an innocent-looking amendment. The result was that, while the general principles of the law were broad enough, no sooner was an attempt made to enforce those principles than defects began to appear, and the climax was reached when the court decided May 24, 1897, that the act gave no power over the rate, and therefore that there was no way in which the provisions of the first and third sections could be made effectual.

The bill of the Commission, so far as the rate-making power is concerned, simply aims to provide a way in which the provisions of those two sections can be enforced. The astute railroad representatives of this country saw at a glance that that issue could not be met. Hence the endeavor to spread abroad the idea that this is a new notion, that these are new powers, dangerous in their exercise and at variance with the genius of our institutions, and so persistently has all this been circulated that many people have come to actually believe it.

The real issue, however, is regulation or no regulation. Occasionally a railway manager is found frank enough to admit this. One of the most earnest opponents of these proposed amendments is Mr. Milton H. Smith, President of the Louisville and Nashville Railroad Company. Some time since Mr. Smith testified in a matter pending before the Commission, and in the course of that testimony took occasion to give his views upon the situation. He has published and circulated in certain quarters that testimony. The following brief extract is given here:

"COMMISSION: We exercise no authority over your rate until it has been determined by investigation that that rate is an unreasonable one. Your objection comes to this, that there ought to be no authority anywhere which has power to inquire whether a rate on the Louisville & Nashville Railroad is reasonable or unreasonable? . . .

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"MR. SMITH: That is my position.

* * * * * * * *

"COMMISSION: Now, let us go back to our question. That is the foundation of it all. Here are these two points connected by your line of railroad and connected by no other line. You say that the Government ought to leave you and the shipper who resides at those places free to contract. Now, that shipper is obliged to pay whatever you charge?

"MR. SMITH: No.

"COMMISSION: What could he do?

"MR. SMITH: He could walk; he can do as he did before he had a railroad, as thousands now do who have not railroads."

Exactly. Let the people walk.

Put alongside of this the latest utterance of the Supreme Court of the United States in disposing of the Nebraska freight rate cases March 7, 1898:

"It cannot therefore be admitted that a railroad corporation maintaining a highway under the authority of the State may fix its rates with a view solely to its own interests and ignore the rights of the public."

Here is presented in the statements of Mr. Smith and Mr. Justice Harlan the real controversy. If Mr. Smith is right, then the law as it now stands is right. If Mr. Justice Harlan is right, then the law at present affords no protection to the public, for its only remedy to-day is to walk.

CHARLES A. PROUTY.

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THE MAROONS OF JAMAICA.

BY LADY BLAKE.

THE Maroons of Jamaica are an interesting people. Though coming of the same race as the other negroes, they look down on the latter and hold them in contempt, their theory being that Maroons were never slaves to the English.

When the Spaniards finally quitted Jamaica, after a guerilla warfare that lasted for three years, they left behind them a certain number of their slaves, to whom they gave liberty on the understanding that the black men were to wage unceasing war against the English interlopers. These freed slaves retreated to the mountains, where they secured positions inaccessible to the English soldiers, and, with willing fidelity to the oath given to their Spanish masters, they were in the habit of sallying forth, killing, when possible, the new arrivals, destroying or carrying off their property. When such raids became unbearably aggressive, expeditions were organized and bodies of troops and militia were sent to reduce the Maroons to order. These expeditions are known in Jamaica history as the Maroon Wars, which continued with more or less frequency for over a century. Meantime, the Maroons were daily increasing in numbers by the addition of runaway slaves, who must have been numerous, for it was calculated, at one time, that in the towns alone of Jamaica twenty thousand runaway slaves were living, successfully eluding all attempts made to apprehend them. There is no record as to how many took refuge with the Maroons, but the number must have been considerable, and largely consisted of Coromantees. The Coromantees were a tribe so fierce and turbulent, that, after disastrous experience of the difficulty and risk of attempting to turn Coromantees into satisfactory investments in the island, the

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Jamaica Legislature in "slavery days" passed a law forbidding the importation of any more of the tribe.

Recruited from this source, the Maroons daily became more formidable. The hills in which they had ensconced themselves were well nigh inaccessible to Europeans, or even to the "Black-shot," who accompanied them. The latter were confidential slaves, armed and equipped as soldiers to assist their masters. The Maroons gained access to their fastnesses by narrow paths known only to themselves. Such paths, or, more properly, tracks, were easily obliterated, and by bending bushes and breaking twigs the Maroons easily decoyed their pursuers in the wrong direction. Once off the track, the ground was almost impassable; the jagged and pointed honeycombed rocks tore the boots and cut the feet like razors. To force one's way through tropical undergrowth or "bush," as it is known to the inhabitants of the tropics, is, under any circumstances, a difficult matter; but, in the district which was the principal stronghold of the Maroons, the difficulty was increased a hundredfold by deep fissures, which traverse the limestone rock in all directions. High cones containing deep hollows, known locally as "cock-pits," stud the face of the land in close proximity. An eye witness of the Maroon "war" of 1795 thus describes these cock-pits, into some of which it is possible to descend by climbing, while the interior of others can only be reached by being lowered into it by ropes. "After ascending and descending a number of steep and rugged mountains, our party passed by a cock-pit of the second size, and halted for a few minutes to reconnoitre it. It seemed about five or six hundred feet in depth; the hills around it were in some parts nearly perpendicular, the breadth of the area below seemed not to exceed two hundred feet, and a narrow defile led into it on one side. It had the appearance, to the spectator, standing on the summit of one of the heights of the surrounding mountains, of a vast funnel with its focus downward. Trees of immense height grew on its sides, some of whose tops waved far beneath us."

Every now and then, the way was blocked by an abrupt and almost perpendicular precipice, up which the invaders had to ascend in single file, assisting themselves by projections in the rock and the boughs of the trees that sprung from the clefts in the rock. Each man handed his musket or "fusee," as the writer in question calls it, to his comrade who had gained the ledge

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above him, and so the expedition toiled pantingly upwards; often a climb of the kind was but a prelude to a steeper and more difficult descent on the opposite side of the mountain. The cock-pit country is almost destitute of water; so porous is the rock that the rivers run in caverns far underground. In the whole district there are only one or two far distant springs, and these were carefully guarded by the Maroons, who alone were acquainted with their whereabouts. When on hunting expeditions in pursuit of wild hogs or agoutis, the Maroons had to slake their thirst with the water stored at the base of the leaves of the wild bromelias (wild pines, as they are called in Jamaica), or with the sap of the water-witty, a species of wild grape, the stem of which contains a pure and colorless sap, wholesome and tasteless as good water. The stem is cut through about a couple of feet from the ground, and the water drunk as it flows freely from the hanging witty. If the vine is then severed about six feet higher up and the upper end kept elevated, nearly a quart of cool and refreshing water may be obtained from a stem an inch and a half or so in diameter. The white soldiers were unacquainted with the resources of the forests, and in any case water by itself would have been regarded by the soldiers of the last century as poor comfort, so a portion of the *impedimenta* on these expeditions consisted of huge joints of bamboo, which were filled with grog. At night the men had to lie down to rest on the bare ground, wrapped in the great coats that had been such wearisome burdens during the heat of the day. But though the night brought coolness—for the nights in Jamaica are almost invariably cool and refreshing on a campaign in the bush—they often failed to bring repose to white men, as often as not parched with thirst and almost always in such localities tormented by mosquitoes.

In this kind of warfare, the suffering and loss were usually on the side of the so-called "victors." Guerrila fighting in the tropics is not a mode of waging war to which English soldiers easily adapt themselves. Their spirits were depressed by such a scene as that described by one of them. In entering a narrow defile between two high precipices, where some time previously a number of their comrades had fallen into a Maroon ambush, they "beheld with horror the unburied skeletons of the victims who had fallen, most of whose heads had been cut off

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and stuck on the stumps of trees, while their carcasses were left a prey to the devouring carrion crow." In one of these "wars," we read of sixty-seven killed and twenty-three being wounded on the side of the English, while of the Maroons not a man was known to have fallen. Then, there were horrible misgivings as to the fate of the wounded who fell into the hands of the enemy. "Some of them had been wounded and fallen alive into the hands of the savages, who doubtless would cause them to die a death of protracted tortures, attended by every horrible insult." So difficult was progress through those wild districts that a certain Capt. Oldham, of the Sixty-second Regiment, had "perished through fatigue." Houses and estates were burnt by the Maroons, slaves and property carried off, and yet the troops could rarely succeed in coming up with the agile mountaineers, and all efforts to coop them up in certain limits proved vain.

The English attempts to overcome the Maroons were almost as ineffectual as the Spanish efforts to reduce the Cuban insurgents, and the circumstances in both cases were somewhat alike. It is no wonder that anxiety and apprehension cast a gloom over the whole island. The state of affairs was becoming intolerable and was, of course, to the last degree detrimental to the colony; it was necessary to bring the Maroons to terms in any way that was feasible. Treaties had been made with the Maroons in 1738 and 1739; by the terms of these treaties, certain tracts of land were granted to the Maroons free of taxation. The Maroons were to come to the assistance of the government against domestic or foreign foes whenever called upon to do so; their captain or headman was to inflict any punishment among their men for crimes committed by them, short of the punishment of death; the Maroons were to restore all runaway slaves to their owners, receiving a reward for so doing as the legislature should appoint, and in each of their settlements or "towns," as they were called, two white men were always to reside. Such were the principal stipulations of the treaties, in which were also several minor clauses. For some years after these treaties were made there was peace with the Maroons, but in 1773 they again became discontented, and before long were once more upon the warpath.

The appointment of an unpopular superintendent (the white men who resided in the Maroon towns were called superintendents) was one cause of displeasure to the Maroons, but the immediate

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cause of the outbreak was that, at Montego Bay (a town on the north shore of the island), the magistrates had imprudently allowed two Maroons, found guilty of stealing a couple of pigs from a poor man, to be flogged by a negro slave. Had the sentence been executed by a white man, no fault would have been found with it, but to be flogged by a negro slave, a slave, moreover, whom the Maroons themselves had previously arrested and lodged in the workhouse, was an indignity which they bitterly resented. As the two culprits left the town after their punishment and passed through the plantations on their way back to the mountains, they were jeered at and hooted by the exultant slaves, who were, of course, overjoyed at the humiliation of those who so often frustrated the slaves in their attempts to abscond, and restored them to their owners. Their resentment was speedily shown by active measures, and outrages and pillage spread far and wide over the island, till at length the governor, Lord Balcarres, in person, proceeded to take the field against the Maroons, accompanied by a strong force of soldiers of the regular army, militia and "black-shot." Lord Balcarres established his headquarters at a place called Vaughan's Field, and from there dispatched a strong expedition against a Maroon stronghold. The detachment was, however, defeated with heavy loss, its commander, Col. Sandford, a Col. Gallimore and many others being among those who were killed. Defeat followed defeat, in spite of the large force at command of the authorities. Victory was always on the side of the Maroons. These continued disasters spread consternation through the whole island, and at length the position became so serious that it was realized that, if things continued in such an unsatisfactory state, there was danger of losing the colony completely. A chance conversation between a Col. Quarrell and a Spaniard whom he happened to meet suggested to the authorities a new and more effectual means of subduing the enemy. It appeared that, some years before, when the British abandoned the Mosquito Shore to the Spaniards, the latter had found it impossible to take possession of the new territory, so fierce and crafty was the resistance opposed to them by the native Indians. In a few months nearly three whole regiments had fallen victims to ambushes and the Indian mode of warfare, till at length the Spanish commander bethought him of sending to Cuba for some of the trained bloodhounds which were used in

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pursuing fugitive slaves in the dense forests that clothe the "Queen of the Antilles." These auxiliaries had proved completely successful on the Mosquito Shore, and the native Indians in a short time were reduced to subjection. It struck Col. Quarrell that what had succeeded on the Mosquito Shore might be equally effective in Jamaica, the Maroons' mode of warfare being very similar to that of the Indians.

Much indignation has been expressed at the barbarity of using these dogs. To use them might, of course, have been barbarous and, no doubt, they were at times used in a way that was cruel, but it was by no means necessary that there should have been any cruelty in making use of the animal's instinct in following a track and detecting an ambush, except in so far that all pursuit must occasion dread to the creature pursued. Every bloodhound had its own keeper or Chasseur, and when tracking fugitives the dog was held by a rope which was fastened to the belt worn by its Chasseur. A perfectly trained dog, even if set free by its keeper, would not kill the object it pursued unless resisted, but on coming up with a fugitive the animal barked till the runaway stopped, when the dog would crouch near him, keeping guard till the Chasseur came up. The dogs were almost constantly muzzled, the muzzle and collar being joined together. Ferocious the Cuban bloodhounds undoubtedly were; their very name was one of terror to the black people. After considerable difficulty, a commissioner being dispatched expressly to Cuba at last succeeded in obtaining the assistance of a certain number of Chasseurs and their dogs for service against the Maroons in Jamaica, it being stipulated that they were not to be detained in Jamaica beyond three months without a new agreement being made.

The arrival of the Spaniards and their bloodhounds—both the dogs and their keepers presenting a wild and formidable appearance—caused consternation and terror to the negroes of Jamaica, and the reports of the ferocity and prowess of these auxiliaries that reached the Maroons effected what the soldiers had failed in doing, and the Maroons at the suggestion of Major-General Walpole sued for peace and a "treaty." The history of that treaty is as little creditable as that of the more famous one of Limerick. General Walpole had assured the Maroons that none of those who surrendered should be sent off the island. The Jamaica House of

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Assembly refused to agree to this, and decided that the Trelawney Town Maroons, who were the chief offenders in the recent troubles, were to be transported to Nova Scotia. Accordingly, some six hundred of those who, relying on the assurance of the English general, had laid down their arms and surrendered, were shipped off to Nova Scotia, from whence—the climate of Nova Scotia proving too severe for them—they were eventually removed to Sierra Leone. The House of Assembly voted a sum of five hundred guineas for the purpose of purchasing a sword to be presented to Gen. Walpole, but the general so greatly resented the perfidy that he considered had been shown in not respecting the conditions of his agreement with the Maroons, that he declined to receive the sword, assuring the House "that not any person would receive their favors with more gratitude than I should, could I possibly do it with credit to myself."

The Trelawney Town Maroons banished, the inhabitants of other Maroon settlements were left undisturbed, and their descendants still remain in Jamaica. Their privileges have been respected, and they have proved themselves faithful allies and friends of the white people of the island. In slavery days they received a reward for every runaway slave brought back by them. Their zeal in obtaining such reward was unflagging, rendering them objects of dread to the slaves and keeping up the link that bound them to the white people. A visit to a Maroon settlement, even at the present day, is an interesting experience. There is one Maroon settlement—that of Moore Town, on the northern slope of the John Crow Mountains—to which there is a road practicable for wheeled vehicles; the other settlements can only be gained by bridle paths which wind through wood and bush, skirting steep declivities, thickly clothed with the luxuriant foliage of the tropics, the path now descending into a shady glade, now mounting over some towering crest fringed with the stately cabbage palm or beautiful with clumps of magnificent tree ferns. When the Maroons desire to do honor to expected guests, a certain number of them await the party two or three miles from their settlement and escort them into their "town," as the cluster of huts is termed. On such occasions, the Maroons cover themselves with trails of moss, ferns or branches of trees, wound round their bodies and heads till they look like so many May day Jacks-in-the-green. This, in Maroon parlance, is their "Civez," and its use

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is obvious, for when on the warpath it renders them almost indistinguishable when they are creeping through the bush. When escorting their visitors, the men fire off their muskets at intervals, executing at the same time strange twists and contortions of their bodies, which often prove very trying to the nerves of the ponies ridden by the visitors. The "Abeng," or horn, is blown with great fervor. This is the signal horn of the Maroons; every Maroon who hears it sounded is bound immediately to resort to their appointed trysting place. The abeng is only a rough cow horn, but with it the Maroons can convey information to each other and exchange signals at a considerable distance. I once asked one of them if anyone could blow the abeng.

"No one but a Maroon," was the answer.

"How do the Maroons learn to blow it?" I continued.

"They don't learn," replied the man; "it's in the blood of the Maroons to blow the abeng!"

To receive their visitors in due style at the settlement, the Maroons await them drawn up in a body, the men brandishing hog spears or firing off muskets; all wear the "Civez," while the women spring wildly up and down, clapping their hands and whirling round and round, working themselves into a state of great excitement. It is a wild and most picturesque scene. The men engage in mimic combats, some kneeling down and pretending to take aim, others gesticulating and dancing in a barbaric fashion, the women waving their arms and leaping into the air, while shots are fired, abengs blown and the whole assembly shout and sing at the top of their voices. On such an occasion I have seen a Maroon fling himself headlong into a river in a sort of fit caused by excitement; and a woman throw herself on the ground and roll over and over down the slope on which she had been standing. It is etiquette for the Maroon women, or "ladies," as they prefer being called, to dust their guests all over with their handkerchiefs. I mentioned this custom of the Maroons once to a Spanish gentleman, who told me that, in Cuba and in the remoter parts of Spain, a similar dusting is to the present day practiced by the country people as a mark of respect.

The Maroons, like all the negroes in Jamaica, are now members of some Christian church or sect, but till the beginning of this century they continued, like their forefathers, their belief in Accompong, god of the heavens and creator of all things; however,

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they offered no sacrifices, and seemed to have paid him small regard. The principal Maroon settlement in the island still bears the name of their original deity. They were and are steadfast believers in the power of Obeah and many of them are said to be adepts in its unlawful practices.

In the "good old days now gone by," a Maroon might have as many wives as he pleased, but few had more than two, on account of the expense, for on making a present to one wife, the husband was obliged to bestow a gift of equal value on each of the others. When a girl was old enough to be married it was usual for the parents to kill a pig to make a feast for their neighbors, rum flowed plentifully and the people amused themselves dancing and singing. Each guest was expected to place a small piece of money in the girl's mouth. This entertainment was the intimation on the part of the family that the eligible young men might come forward with their suits. The girl's debut in Maroon parlance was called "she hab killed hog!"

The Maroons have their full share of superstitions common to all negroes, and these, as is usually the case in the West Indies, are curiously blended with the beliefs and usages of Christianity. Not very long ago a Maroon girl died at one of the settlements in the John Crow Mountains. The coffin was being carried down the hill to be buried at a place called Ginger Hall, where other Maroons were interred. Suddenly, so it was reported, the coffin "wheeled round." This was regarded as a sign that prayers and hymns in sufficient numbers had not been offered up and sung before the procession started, so the bearers turned back to the house and sung and prayed anew. Then again they set out, but this time the coffin not only wheeled round, but to the horror of those present, the lid proceeded to come off also. There could be no mistake about a sign like this! The Maroons consulted together, and came to the conclusion that the corpse objected to being buried at Ginger Hall, and that the best thing to be done was to bury it where they were; so a grave was dug by the side of the path and the coffin duly buried. The Maroons were well aware that there were reasons why the corpse should object to Ginger Hall as its resting place. The father of the girl who lay in that coffin had killed his brother for having stolen two whole quarts of sugar from him. That murdered uncle was buried at Ginger Hall, and it was known that his *duppy*

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had declared its intention of doing for all his brother's family. There were indeed rumors that the girl's neck had been broken in a mysterious and unaccountable manner before she died. Altogether, under such circumstances, the bush by the mountain path was a safer resting place than Ginger Hall for the girl's body.

In the disastrous outbreak of 1865, the Maroons from the John Crow Mountains came gallantly to the rescue of the white inhabitants of St. Thomas in the East who had escaped massacre. It is said that on this occasion their zeal sometimes outran their discretion, and when they found themselves again on the warpath the old savage joy in slaying for the sake of killing revived, and that many negroes who had taken no part in the murders and pillage were shot by the excited and infuriated Maroons. If report does not belie them, in several instances the Maroons cut off the ears of their victims, which they proceeded to fry and eat. This was, however, done, not from brutality, but as a precaution to prevent the *duppies* of the slain from hearing the footsteps of the Maroons and starting in pursuit of them.

The ideas and ways of the Maroons are African at root, with a superficial graft of Evangelicalism that forms an odd combination. The upset of law and order that followed the outbreak at Morant Bay was a favorable opportunity for taking the law into their own hands, and the Maroons were not slow to seize it to pay off old scores. They came down from the mountains and encamped in the little village of Bath, where at night the street was ablaze with their campfires, round which they danced fantastic war dances to the sound of the tom-tom, a drum made by stretching a goatskin over the end of a hollow tree trunk. Two or three miles from Bath, at a little hamlet called Airy Castle, lived a colored man against whom the chief man of the Maroons had a grudge. It was the moment for paying it off, so the chief or captain (as the Maroon leaders are called) dispatched some of his followers with directions to hang his enemy. The men performed the job to the best of their ability, and the captain went to feast his eyes on his suspended foe, when to his annoyance he found that a mistake had been made, and that the person hung by his men was not the man who had incurred his displeasure. However, the wrong man was dead and there was no help for it, so the disappointed captain and his followers proceeded on

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their way. As they marched along the main road, whom should the captain espy but the real man who had incurred his displeasure. No time was lost; the man was seized, and on this occasion the captain saw that the right man was hung. But, however reckless in administering punishment to the insurgents, the Maroons did good service and saved many white women and children, who, but for them, would have fallen into the hands of the lawless and maddened negroes. In one instance, several European women and their children who had fled into the woods, took refuge in the hut of a Maroon woman. Before long a number of negroes, rendered ferocious and reckless by the scenes of bloodshed and robbery that were taking place in the district, were seen running toward the hut. The Maroon woman desired the trembling fugitives to have no fear, to remain where they were and not to attempt to fly. She then left the hut and, addressing the shrieking and excited rabble, warned them that she was a Maroon, and that if they dared to enter her hut or to lay a finger on those to whom she had given refuge, her people would avenge it and would make them pay a reckoning they would never forget. The negroes, having a wholesome fear of Maroon vengeance before their eyes, did as the woman bade them and departed, leaving the hut and the refugees in it unharmed.

The Maroons have the failings of a wild and half civilized people; they are idle; to beg they are not ashamed, they can steal upon occasion and not feel much shame when detected. When aroused they are fierce and vindictive, but they have on the other hand a large share of untutored virtues. They are courteous, loyal to their word, faithful to their friends, active and plucky. Such people are not to be despised, and it is to be hoped that "those in authority over them" will never give them cause to change the Maroon opinion that their *raison d'etre* is—to put it in the words of a Maroon—"to protect strangers and to put down rebels."

EDITH BLAKE

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BISMARCK AND MOTLEY.--WITH CORRESPONDENCE TILL NOW UNPUBLISHED.--III.

BY JAMES PEMBERTON GRUND.

BISMARCK had realized the dream of every German, including himself, and had seen the Princes of a United Germany do homage to the old King as German Emperor in the Great Hall at Versailles. The grateful old monarch had conferred upon him the title of Prince and the splendid revenues of the Duchy of Lauenburg. Two years had elapsed since Bismarck put the finishing touch on the great work of his life. Motley, in the letter that follows, congratulates him upon his birthday (April 1st), and acknowledges the receipt of a telegram, sent doubtless in answer to one of his own, addressed to his old fellow student on April 2d instead of on April 1st, as Motley intended it should be. This wiring of congratulations to one's old friends on their birthdays from all parts of the world, is one of the best uses to which the electric wire has been put, and nothing so greatly contributes to keep old friendships alive. Motley calls attention to the fact that April 1st is also the birthday of the Dutch Republic; for, three hundred years before, on April 1st, the town of Brielle in the Netherlands had been captured by the Water-Beggars. The town has held a celebration in honor of the event, where Motley has been an honored guest. "The Water-Beggars" was the nickname of the privateersmen to whom William of Orange issued letters of marque. They had been lying off the coast of England, when the government there prohibited their being supplied with provisions. Forced to depart, they made straight for the coast of Holland and captured Brielle, striking the first blow for Dutch liberty. They were little better than pirates, and disgraced their victory by cruelly putting to death a number of the Catholic clergy who fell into their hands. Mot-

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ley hopes at some future day to accept the kind invitation to visit the Prince at Varzin, but for the present "it is impossible." He tells his old friend of the expected arrival of his daughter and of her husband, a lineal descendant of Richard Brinsley Sheridan.

"6 KNEUTERDYK, THE HAGUE, 5 April, '72.

"MY DEAR BISMARCK: Only a line to acknowledge receipt of your telegram, and to send you a thousand best wishes and congratulations on your birthday—I could not do so on the day itself, although your telegram was sent upon it. By a curious coincidence the first of April is also the birthday of the Dutch Republic—that is to say, the town of Brielle was taken three hundred years ago on that day by the Water-Beggars, and I had been invited to the festival held at that ancient town in celebration of this three hundredth anniversary of the national independence. I wish that I could have been with you on your birthday. It would have been an immense pleasure to see the honors and congratulations showered upon you.

"You have few older friends, I fancy, than I, and certainly none more sympathetic and attached. Alas, I cannot yet accept your kind invitation. But to make you a visit is one of the cherished projects for the last three years, and most certainly it shall be carried out before this year closes. If you permit, I will write to you some day when I see my path clear and make the proposition. If the time should not suit, we could make some arrangement for another day. Just now I have a variety of family arrangements which tie me here, besides some literary work which must be done now or never.

"I am also expecting my daughter and her husband to pay us rather a long visit from England. She was married, just before we left that country, to Mr. Sheridan (great grandson of the famous Sheridan), and I have not seen her since.

"It makes me very happy to think that there are complaints in your family that I have not yet been able to fulfil my promise. It delights me to think that I am so kindly remembered by those of whom I think so often and with so much affection.

"My only fear is that when I once get to you I shall never be able to tear myself away again.

"Adieu, my dear friend. Give my kindest regards to your dear wife and daughters. They will allow me, I trust, this homely mode of greeting, and believe me, until we meet, as before and after,

"Most sincerely yours,

"J. L. MOTLEY."

The opportunity to visit Varzin occurred sooner than Motley had expected. In a letter of Bismarck to Motley, written on July 6th of the same year, the Prince mentions having received a letter from his friend announcing that the longed-for visit, so often deferred, is now to be made at once. He assures him he is "a thousand times welcome," and describes how, leaving Berlin in the morning, he will reach Schlawe at four in the afternoon, whence a post-chaise and "a trumpet-sounding postil-

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ion" will convey him and his to Varzin. Mrs. Motley was unable to accompany her husband to Varzin, but Motley was accompanied by his daughter. Mme. de Bismarck is at Laden, but she will be back in two or three days and glad to see her husband's old friend, whose name she never mentions "without a friendly smile."

In his letters to his wife, to his other daughter and to his friend Holmes, Motley has embalmed the record of this visit. To Holmes he speaks of the week he spent at Varzin as "one of the most delightful holidays of his life." He had not seen Bismarck since 1864, in Vienna, and in those eight years, writes Motley, "he has done the work of a century." "He is somewhat stouter, and his face more weather-beaten, but as expressive and powerful as ever." They arrive a little late owing to a *contretemps*, and are marched straight into the dining room. The little boys who played around their father and his friend in the old legation at Frankfort are young men now, with crosses on their breasts, earned in that terrific charge where both so nearly lost their lives, "good-looking, handsome, well-mannered;" little Marie de Bismarck has grown into "a pretty girl, with beautiful dark hair and gray eyes; simple and unaffected, and, like both father and mother, full of fun." After dinner, Bismarck takes his friend for a walk in the woods, "he talking all the time," says Motley, "in the simplest and funniest and most interesting manner, about all sorts of things that had happened in those tremendous years; but talking of them exactly as every-day people talk of every-day matters—without any affectation." Bismarck has given up those strong cigars he used to smoke, and contents himself now with a pipe. The writer has learned that the tobacco the Prince smoked, instead of the discarded cigars, came from Holland, and is what is called *Kanaster*. He received a package of it every month, wherever he might be. The only other guests were a Pomeranian squire and his wife, old friends of the Bismarcks.

There is a good deal to tell, for Motley has not yet heard the story of 1866, as now he hears it from Bismarck's own lips; to say nothing of the great epic of 1870. Bismarck gives him a peep into the future, too, and disclaims the story that Germany has any designs on Holland, for which country its historian seems to have an especial tenderness.

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Motley, too, has not been idle in all those years. His place as one of the brilliant writers of his century is firmly fixed. His success is the talk of *literati*, and he has taken honorary degrees at heaven only knows how many universities, and is corresponding member of all the learned societies extant. As Holmes prophetically wrote of him:

> "There are triumphs untold,
> There are martyrs unsung,
> There are heroes yet silent,
> To speak with his tongue."

During this visit, the twenty-fifth anniversary of the marriage of the Prince and Princess was celebrated. At dinner on the day of the silver wedding, Marie de Bismarck suddenly silences conversation by tapping on her glass with her knife and whispers to Motley, "You must propose papa's health." Then Motley, in a speech he describes as "a masterly effort in the German tongue, lasting twenty-five seconds," does so; and there is much clinking of glasses and hip-hip-hurraing, Bismarck making a short speech in reply, and others to his villagers and musicians who have come to serenade him. "The telegrams of congratulation," says Motley, with some surprise, "number two hundred." On Bismarck's later anniversaries, they ran up into the thousands.

It is a pleasing picture, the old statesman and patriot with his kinsfolk and tenantry, and the friend of his youth by to warm the cockles of his heart with tales of early days. The evening of two lives well spent, one representing all that is best in republicanism; the other the noblest type of a monarchist and a believer in blood.

Motley, when it was time to leave, consented to remain a few days longer; and, at the personal request of the Prince, Mr. George Bancroft, Minister of the United States in Berlin, consented to postpone a dinner given in Motley's honor, the invitations to which had been already issued. This was the last meeting of the two old friends and fellow students, and Motley had a presentiment it would be so. "The parting was painful," he writes, "for heaven knows when I shall ever see him again." In a few years the Shadow of Death had come between them.

JAMES PEMBERTON GRUND.

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THE PASSION FOR DISTINCTION.

BY PROFESSOR MAURICE FRANCIS EGAN, LL.D.

AT the Court of St. Germain, in the reign of the Sun King, there was the "divine tabouret," as Madame de Sévigné calls it, in her letter of Wednesday, the first of April, 1671. And Madame de Sévigné's epithets are so precious as to be worthy of the exact date. So one day, when the pretty young woman who had married de Ventadour, the wretched old Duke, for the sacred privilege of the tabouret, waited until it could be brought for her, our Lady of the Letters whispered to the grand master of ceremonies, "Ah, let her have it; it has cost her dear enough!"

Not only at Saint Germain, but everywhere is the tabouret—that little stool on which the Duchess who has succeeded may sit in the presence of the Queen—that symbol of exclusive distinction for which many of us give a price much greater than even the pretty Madame de Ventadour paid. The passion of the human race is for distinction. There are many who declare to themselves and whisper to those intimate friends that contrive to have heart to heart talks with the world, that they are quite content with the approbation of conscience. And yet they are not unhappy when the world is made to find this out. Even some of the pious among us look forward with calm expectation to the publicity of the day of judgment. There is almost as much sweetness in the thought that one may be distinctly seen among the sheep, as in the calm trust that the unbeliever will be conspicuously among the goats, observing from afar with conviction those fleeces of a whiteness which he would never see before. We have tolerance for the infidel who does not accept God—but not for the unbeliever who has doubted us.

Ever since little Abel traced on the yielding surface of the

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palm leaf the first hieroglyphics with his sharpest finger nail, we have been taught that to be virtuous is to be happy. All the people, like Rousseau, who were not particularly virtuous or particularly happy, have insisted on this; but the judgment of mankind ought clearly to announce that virtue discovered by the world gives more real happiness to the possessor of it than virtue undistinguished. For us, there is nothing left of the chaste Susanna, except her example. And that example would have been lost to the world, if the knowledge of her virtue had been confined to the wicked elders. Besides, virtue, sufficiently and modestly made known, gives its possessor such a title to distinction that he is justly disappointed if that distinction be not at once conferred on him.

In France, where virtue ought to be common, the State rewards the virtuous poor with a series of prizes. The virtuous rich are allowed to take care of themselves, and this perhaps accounts for the marvellous condition of society we discover through the reading of the novels of M. de Balzac, M. de Goncourt and M. de Maupassant; it also goes to show that virtue is not its own reward.

For example, we know that the maxims of the great Dr. Franklin are supposed to be as deeply carved on the heart of every true American as the word "Calais" was cut into that of Queen Mary. But one cannot help observing that they are all maxims intended to make the practitioner of them appear well in the eyes of his fellows. "Two removes," Dr. Franklin says, "are worse than a fire"—which means that the man who chooses his house with care will be able to entertain his friends with uncracked cut glass and unbattered silver, and even toothpicks untwisted and unbent by the rude handling of the porters. What is this maxim—taken at random from the large number imprinted on little blue plates for the instruction of children—but an incentive to the acquirement of the distinguished good opinion of one's little world?

Frugality is a virtue frequently insisted upon, and honesty—which, as we all know, is said to be the best policy—and industry and patience with the insolent until you grow old enough to whip him, or "smart" enough to ruin him when he tries to make a "corner" in corn. But what is the chief end of all these virtues? Distinction.

It is not fair to call the appetite for distinction mere vanity.

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It is only a sign of that peculiar dislike with which the natural man looks on the practice of equality. Was it not Ibsen who said that, when the world comes to be divided between the knouters and the knouted, he trusted that his son would be among the knouters? At present, Ibsen, having distinguished himself, does not object to seeing all other men equal. For his son it will be different. It is more distinguished and less unpleasant to be among the knouters. Reasons can always be found by the ingenious human mind for swinging the knout, and the man who gives the most brilliant reasons will be the most distinguished knouter; for even in this process there is room for the intellect. The next best thing would be to receive more bruises and welts than the rest of the knouted, and to be clever enough to exhibit them to the eyes of the world. That means martyrdom —and martyrdom means distinction. There have been martyrs who cared nothing for the world; there are martyrs who die their deaths and make no signals to the populace. They are "out of our star;" they are probably "mystics," and the world really dislikes a mystic, except when he can tell fortunes.

The quality of distinction casts out all petty vanity or envy; it satisfies one of the natural desires of the man or the woman —which is, to be different from other men or women. Christianity insists on equality; but it appeals to the supernatural. Even now it is said that, after nearly two thousand years, there are Christians who most love those technically called their brethren, when they see them from a great height and shower benefits upon them. Speaking, however, from a worldly point of view, it is necessary to observe that Christianity has nothing to do with that appetite for distinction which gave Thais a fine place in Dryden's musical poem, and caused Cæsar to gain the hatred of alien boys through having written a book of travels.

The "Commentaries" may have been a mere campaign document—a bit of common sense hurled against those of Rome who were sufficiently volatile to prefer—as Gouverneur Morris once said—"lightning to light;" or it may have been the result of a desire of a fighting man to show that he could distinguish himself in the way of phrases. At any rate, Cæsar had as great a passion for distinction as any man that ever lived. In this, he was equalled by Nero, who had less physical difficulties, but more moral ones to overcome; and who, having a damaged repu-

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tation, took, as a matter of course, to the elevating of the stage. It was his last resort, for there was so little to be done in the way of achieving distinction in his day. The book makers had worked prodigiously under Augustus, and Nero's experience had been too limited to shock Rome with the sort of erotic novel which has ceased—through force of having been too often repeated—to shock us of the nineteenth century. Caligula and the rest had left so little to be done that we find the unfortunate Nero, who strove hard to be different from other men, only distinguished in history for the things he did not do.

The undistinguished man of normal mind will always be envious; the half-distinguished man must always be vain, although men of this sort never express their feelings with the frankness of the undistinguished or half-distinguished woman; she may be neither envious nor vain where she alone is concerned; she effaces these qualities in herself in order to exercise them in the pursuit of distinction for her children. How truly Shakespeare shows us that the power of Lady Macbeth's self-negation consisted in her capacity for sacrificing other people.

To be distinguished is to be without envy, vanity or malice—if one be distinguished enough. If not—ah, clear the way!—the climber to the sun must have place, even if he have to crush the light in a hundred stars on his way upward. And how he hates those nearest to the Great Light; they are in his place. And how he despises that pale sycophant, the moon; but if he were the sun and she took all her light through his condescension, he would love her—positively. If we cannot throw out all envy and malice and vanity through the Christian rule, we might only do so by making every member of the human race more distinguished than his brother.

In our country, it is difficult to be entirely distinguished. The aristocrat is generally a person of distinction in countries where his rank carries with it certain privileges. It is impossible to be an aristocrat in a land where one has to pay for one's privileges; and where one is obliged to do a liberal amount of advertising in the newspapers, to be noticed by the great mob at all. With us, to be privileged, a man must be rich. And, then, even that desirable quality does not place him entirely beyond the reach of his fellow citizens. To feel really distinguished, the possible aristocrat must have a settled and recognized position. Now, the

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vast number of the inhabitants of these United States do not reverence the man of many millions. They may respect his money. They are interested in him, but his pedigree is of no importance to them. He may be of the blood of the Californian Argonauts; his veins may be full of the pale azure of the Puritan; the drab fluid of eminent Quakers may be his; the rich port-flavored stream of the Virginian cavaliers may bestow on him the prestige of the gout; even decades of the generous gumbo soup may have nourished his Creole-tinted river of life; all this is as nothing in the eyes of his countrymen, if he be not vastly opulent. In this sense, Coventry Patmore, who was a Tory, is right: democracy is an enemy to distinction. To be distinguished you must stand out among your fellows; they must acknowledge that you stand out—or all is dust and ashes! But where one's fellows may be one's possible equals whenever the fate that presides over stocks and bonds and real estate so decrees, and where one's sense of superiority is incomplete until the newspapers, reflecting the people, admit it, distinction is always on the eve of extinction.

That old and ugly and wicked Duke de Ventadour did not need acknowledgement from the folk of the Rue St. Honoré or the Faubourg St. Antoine. He was supremely indifferent to them. And, later, they found that the only way to efface the pretensions of such as he was to chop their heads off. While the Duke de Ventadour lived, he was—rich or poor—the Duke de Ventadour, and that was all about it; and wherever the court should go, in penury or in exile, the tabouret, which his wife had bought so dear, would be hers, were it only a rough, three-legged stool.

But in our country, your great lady cannot have a tabouret all to herself, unless it be in a Pullman car—and then she must buy it, if her husband has not already bought the car itself. Observe that the Marquise de Sévigné acknowledges, without envy, without question, the value of the tabouret, for which she would not have her beloved daughter pay such a price as the pretty duchess had paid. The chief worth of the tabouret was that its value was recognized, not only at Saint Germain, but in every civilized court in Europe. There was distinction, essential and consummate. It is this for which our *fine fleur* of riches longs, and which, in spite of the bridging of hundreds of years with crests and whole broadsides of coat armor and family portraits in mail and periwig, it cannot attain. Where everybody can be of

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a great family, if he wants to pay the herald, where can the aristocratic American dove, with her beak full of assorted branches from family trees, discover a dry and consoling spot from which she can view the lower world? A millionaire may write books to be distinguished, as Cæsar and Napoleon III. wrote books, but everybody writes books nowadays, and even a millionaire cannot afford to pay people to read them. There is the career of politics; but the aristocrat, being so much more sensitive than other folk, is in the position of an animated target which cannot refrain from picking up the bullets that have hit it.

Caste is difficult and variable. There are great families in Portland, Me., known to Boston, at which the distinguished by blood in San Antonio, Tex., sneer; there are supremely eminent folk in Germantown, Pa., acknowledged in Philadelphia, who are held to be persons of rather mean descent in Algiers, La. There can be nothing but an ephemeral and volatile distinction where there is no settled status. In a word, neither riches nor genius nor official position can insure, in our country, that permanent and delightful place from which you can look down serenely because so many people are perpetually looking up. This is never mentioned as one of the joys of heaven; it is because of the omission that some of us strive so hard not to go there.

Frugality and industry and that politic honesty which the late Dr. Franklin so much admired, joined with other talents not mentioned in the headlines of the copy books, may make a man rich to the extent of daring to have diamonds set in his front teeth; but he cannot get the tabouret for his wife. How fortunate that villainous Duke de Ventadour was, and how ecstatic were the days of the *œil de bœuf*. They were regretted by that amiable Bishop of Autun, who had all the distractions of Faust joined to the most delectable one of deceiving the devil—or himself—at the end! Under the great Louises, the man of distinction had not even to take the trouble to be born, and, the moment he yelled, the right of the tabouret was his to claim for a prospective duchess. Ah, the dear old rock! What times! What manners!

Caste in our country cannot distinguish us; money leaves much to be desired; the man is swallowed up in his money; the dewdrop slips into the golden sea. Even the Buddhist has some doubt as to whether he will not be distinguished in Nirvana; and we naturally look beyond this life for the distinction it cannot

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give. Our desire to be acknowledgedly superior to our neighbors may be satisfied abroad. The day of tabourets in France is gone; in exchange, one may pay for a good seat on the pavement of the Café de la Paix or in the Champs Elysées. England is the land of the tabouret; and there are nobles with some of the privileges of de Ventadour; if you have a daughter, you may pay as dear as you like for them. There are titles in France and Spain and Italy, but there is nothing on earth so much like the privilege of the tabouret as a presentation at the Court of St. James's by the right person—and, if that person happens to be of the truly distinguished and set apart in England, the American whose aspirations have hitherto been unsatisfied may at last rest. The balm in the strawberry leaves cannot be bought too dear.

Hence, we look abroad for that corroboration of our deserts which we cannot get at home—which neither virtue nor genius nor wealth nor our own colossal good opinion of ourselves can obtain for us under our own flag. Hence, we play with crests and shields and family trees in little Japanese gardens where a month is made to represent a hundred years; but it is mostly mere playing, for such distinction as the natural man in an artificial atmosphere wants, is impossible in a republic of voters. If we are aristocrats at heart, blame Sir Walter Scott—if anybody with a heart can find the heart to blame him, and if, when our hard-earned dollars fail us, we gaze longingly at the social distinction possible in the monarchies, let us not revile those ladies, who, like the charming Duchess de Ventadour, are willing to give a very great price for the privilege of being highly different from the women they know and the women they do not know.

MAURICE FRANCIS EGAN.

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BANKRUPTCY LAWS, PAST AND PRESENT.

BY WILLIAM H. HOTCHKISS.

THE passage of the bankruptcy law, approved July 1, 1898, by a vote of 43 to 13 in the Senate, and 134 to 53 in the House, will prove a way-mark in our history. The result of agitation which has been continuous since its discredited and unpopular predecessor was so emphatically repealed twenty years ago, it is necessarily a compromise; and the growth of a period of commercial depression, it gives statutory recognition to sentiments and passions just now deep-rooted and powerful. The war of the "involuntaries" against the "voluntaries" held the boards for a goodly season in Congress last winter. The voluntaries have rather the best of it. But the law as a whole must be accepted as a reasonable expression of the present sentiments of the entire people. It surely is a proclamation, as vigorous as it is emphatic, that in this day and generation it is not only the debtor that dies who is relieved of all debts, but that the unfortunate and the unwise may win surcease of their business sorrows and begin again on this side of the grave. It calls to mind that humanitarian provision of the Mosaic law which commanded a release of debtors every seventh year.

For more than twenty-five centuries, the law-makers of the world have been legislating on bankruptcy. Draco, the pioneer, made it, with laziness and murder, punishable by death. Quite naturally, there followed an age of the absconding debtor. Solon, not wishing to depopulate Athens, mollified these ancient blue laws, and even abolished enslavement for debt; but the bankrupt and the bankrupt's heirs forfeited their rights of citizenship. The noble Roman and his Twelve Tables were more draconic than Draco. Gibbon tells us that:

"At the expiration of sixty days the debt was discharged by the loss of

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liberty or life; the insolvent debtor was either put to death, or sold in foreign slavery beyond the Tiber; but if several creditors were alike obstinate and unrelenting, they might legally dismember his body, and satiate their revenge by this horrid partition."

In the time of Cæsar, Roman jurisprudence and civilization had so developed that the debtor, by the famous *cessio bonorum*, might at least escape slavery, and in most cases retain his civil rights; and about a century later, our modern idea of a discharge to the honest debtor who gives up his all, was graven on their laws.

Shylock's savage rights may well speak for the laws of the Middle Ages, whose statutes were little better than a transparent palimpsest of the Twelve Tables of Rome. French laws have followed the Latin model, and, while somewhat modernized, even yet visit a degree of disgrace upon the unfortunate trader which would not long be tolerated by an Anglo-Saxon legislature.

Since 1542, about forty bankruptcy laws, and a number of insolvent debtor acts, have been passed in England. In this country, the statute of 1898 is the fourth of a series of national laws, the others being named from the years 1800, 1841 and 1867; while, in many of the States, and from their very beginning, insolvency statutes of local application and vastly divergent provisions have been on the books.

In view of the present interest in the subject, the following chronology may be valuable. We take the English statutes first:

(1.) The statute of 1542 was aimed at absconding or concealed debtors only. It made them criminals, deprived them of their property without giving them a discharge, and left them to the tender mercies of their creditors. It was followed by a number of similar laws, enlarging its scope and changing its procedure.

(2.) The statute of 1706, in the fifth year of Queen Anne, marks the next great step in advance. Debt was no longer treated as a crime, and provision was for the first time made for a discharge.

(3.) The statute of 1825, in the reign of George IV., for the first time recognized voluntary bankruptcies.

(4.) The statute of 1830 abolished commissioners in bankruptcy, put the administration of estates into the hands of the court, and created the official assignee or receiver.

(5.) The statute of 1861 made it possible for the non-trader,

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who had been protected by the insolvent debtor acts for about fifty years, to take advantage of or to be proceeded against under the general bankruptcy laws.

(6.) The statute of 1869 introduced in England the now well-understood principle of fraudulent preferences; but, the law being easily evaded, it proved a failure.

(7.) The statute of 1883, as amended by that of 1890, carries the pendulum backward again, and, while for the first time distinguishing between a fraudulent bankruptcy and one due solely to misfortune, is drastic in its penalties and intolerable, at least from an American standpoint, in its limitations on the granting of a discharge.

Turning to the United States, we find that:

(1.) The statute of 1800 was copied from the English law of that time, and did not provide either for voluntary bankruptcy or for non-traders coming within its terms. It was repealed in December, 1803.

(2.) The statute of 1841, said to have been largely the work of Daniel Webster, introduced the idea of voluntary bankruptcy into our national jurisprudence. It was in force but eighteen months, being repealed by the Congress that passed it.

(3.) The statute of 1867 was framed largely on the Massachusetts insolvency law of 1838. It provided for both voluntary and involuntary bankruptcy, and went almost to the extreme in its enumeration of acts of bankruptcy and in its restrictions on the granting of discharges. This law permitted tedious delays and excessive fees. It remained in force until September, 1878.

(4.) The statute of 1898 swings back toward mercy again. It will be remembered as the first of our statutes to omit that anciently all-important act of bankruptcy, "the suddenly fleeing to parts unknown," and as establishing a new meaning for "insolvency."

The animated and often acrimonious discussion of bankruptcy legislation has turned on a half-dozen disputed principles and matters of detail. Nowhere, save in the United States, where local insolvency laws have temporarily filled the gap, has the necessity of such legislation been denied. All civilized and many semi-civilized countries enforce such laws. France has not been without a bankruptcy law for four hundred years, nor England for a period nearly as long. It is settled, too, that such laws

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should have three purposes—(1.) the surrender of the debtor's estate without preferences; (2.) its cheap and expeditious distribution *pro rata* among all creditors, and (3.) the discharge of the debtor from liability to pay provable debts with property which he may afterwards acquire.

Each statute has sought the common goal by different ways, but always by or near definite landmarks. It will assist to a better understanding of the law of 1898, if we note these landmarks. (1.) Who may become a bankrupt? (2.) What are acts of bankruptcy? (3.) What is a preference? (4.) When may a discharge be refused? (5.) What is the procedure which will prove least expensive and most expeditious? This classification includes two elements born since Blackstone's time.

Who May Become a Bankrupt?—The limitation to traders has already been mentioned. Indeed, so late as 1817 in this country, Judge Livingston doubted whether an act of Congress subjecting to such a law every description of persons within the United States, would be constitutional. Yet our law of 1841 extended the meaning of the term "trader" so that, in involuntary bankruptcies, it included bankers, brokers, factors, underwriters and marine insurers. All classes of persons could become bankrupts in England after 1861; and the like broad rule received expression in our law of 1867, with the single exception that, when the act of bankruptcy consisted in failure to pay commercial paper, it applied only to merchants, bankers and the business community. The new law of 1898, however, barometrically responsive to the present stormy financial times, goes backward to the time of George II., and prohibits, as did one of the laws passed in his reign, involuntary proceedings against farmers and wage earners.

Its provisions relative to corporations are equally indicative of prevailing conditions. For some decades English corporations have been liable to proceedings in bankruptcy. Our law of 1841 was limited to natural persons. That of 1867 was made expressly applicable to all moneyed, business and commercial corporations. Yet the law-makers of 1898, fearful lest, by collusion with stockholders, the controlling officers might force such semi-public corporations as railroads and transportation companies into bankruptcy, have limited the operation of the law to corporations engaged principally in manufacturing, trading, printing, publish-

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ing, or mercantile pursuits. Pending political passions have swung us backward in these two particulars. These provisions, however, can prove of little or no practical importance, and to the future historian, they will seem as curious as do to us those ancient acts of bankruptcy, "keeping his house" and the "fleeing to the Abbey."

What Are Acts of Bankruptcy?—In the United States this has been the kernel of the controversy. Our laws have answered the question in widely different ways. Not so in England. That original act of bankruptcy, absconding the realm, is in every English statute for three hundred and fifty years, and appears in the last law in almost the very words used in the first. Our laws, down to and including that of 1867, have been equally mindful of the commercial runaway. The new law, however, omits this cause entirely. The welcher in business can be punished in other ways; our chief concern is, indeed should be, with the stay-at-home cheat.

The English catalogue of interdicted acts in business has grown long. Two hundred years ago involuntary bankruptcy was worse even than imprisonment for debt, for it involved that; and, prior to the evolution of the idea of a discharge, it practically was civil death. The condition of the English law of that time may be imagined from this decision of a court of the period:

"If a man is taken in execution and lies in prison for debt, neither the plaintiff at whose suit he is arrested, nor the sheriff who took him, is bound to find him meat, drink or clothes; but he must live on his own or on the charity of others, and if no one will relieve him, let him die in the name of God, says the law; and so say I."

Freedom from imprisonment for debt has, of course, changed this, but in the latest English statutes there are relics of this old-time savagery toward debtors, happily not included in our laws.

The present bankruptcy law of England gives eight acts of bankruptcy, three predicated on fraud coupled with insolvency, three of a voluntary character showing insolvency, and two others which are relics of the old rules against fleeing the realm or concealing property. A debtor who does not lift a levy on his goods within twenty-one days, or who does not within seven days after judgment comply with a creditor's demand that he pay, compound or secure the debt, commits an act of bankruptcy. The older laws put default in payment of demand ob-

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ligations in the same category, thus extending a rule rightfully enforced against banks and bankers to the entire business community.

Our law of 1841 defined but five acts of bankruptcy, all predicated on fraud. The law of 1867 went much further and, in addition to the customary grounds, specified as one of its ten acts of bankruptcy, fraudulent default in payment of commercial paper by merchants, traders and manufacturers. The law just passed, however, goes back to the side of leniency again. It enumerates five acts of bankruptcy, two of them involving fraud on the part of the bankrupt (fraudulent conveyances and voluntary preferences), one constructive fraud, and two which are expressed by the paradox that by them a debtor may go into involuntary bankruptcy voluntarily. The Torrey bill enumerated nine acts of bankruptcy, going further even than the English law and including default for thirty days in the payment of commercial paper, a rule which would have upset our entire credit system. The Nelson bill went to the other extreme and made fraudulent transfers and voluntary preferences while insolvent, the only acts of bankruptcy. The law as passed is perhaps, a fair compromise, though in extreme cases we may wish for the more complete and far-reaching definition of the English statute.

But, whatever the effect, lawyers and laymen alike will quickly understand that insolvency has a new meaning. The English statute defines it as inability on the debtor's part to pay from his own moneys his debts as they become due. The American law declares that he only is insolvent the aggregate of whose property shall not, at a fair valuation, be sufficient in amount to pay his debts. In short, in this country, hereafter, he who has unconvertible property in plenty but little cash on hand—as for example, he who in this time of unsalable real estate is land poor—may yet be solvent and entitled to the time to realize and pay his creditors.

At first blush this seems broadly equitable, but what will be the result in actual practice? Perhaps, had it been in force, the author of "Waverley," with his vast genius as his property, would not have been insolvent, and that other Scotchman, Anderson by name, who possessed, yet would not surrender, the secret formula for a popular nostrum, might have proved it overworth his debts,

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and escaped the penalties of the law. On the other hand, into what dangerous controversies will it lead us! Hitherto the proof of insolvency has been simple and easy. Now it never can be. The expert on values has a new field open to him, as creditors and debtors, not to speak of lawyers and courts, may quickly learn.

In practice, the law will, therefore, prove little more than a voluntary law. Its sponsors claim that it will accomplish all that it was intended to do by the mere threat of possible procedure. The debtor will never know when his creditor will open fire. Therein is its chief merit to the business world. Experience will prove whether it is a boon or a bane. But our hysterical Congressmen should be able now to sleep o' nights; for under this law there can be by the rich no "grinding the face of the poor."

What Is a Preference?—This is a comparatively recent development of the law of bankruptcy. The earliest regulation is that of 1690, in Scotland, which annulled preferences made within two months of bankruptcy. The common law permitted preferences, and debts in favor of wives and female relatives in general were a refuge frequently found by the failing debtor. It is not likely that the chattel mortgage method of preference was then understood; that is the product of our higher civilization. But, for centuries, scandals without number and frauds on creditors by the multitude have flowed from the too gentle policy of the law in this regard. Our State insolvency laws, most of them sanctioning limited preferences, have proved but invitations to defraud. The preferring debtor has become one of the evils of our civilization, as was the absconding debtor of that of two centuries ago.

Beginning in 1849, in England, and in 1841, in the United States, preferences have been interdicted by law. The English statute made them void if intended to defeat or delay creditors. The present law of England provides that, to constitute a preference, it must be made within three months of the commencement of proceedings in bankruptcy; while, if made when the debtor is insolvent and with a view of giving the creditor a preference over other creditors, it declares them absolutely void.

Our statutes, again, evidence the swinging of the pendulum. That of 1800 did not inhibit such transactions; that of 1841 made the giving of preferences ground for refusing a discharge.

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The law of 1867, copying the Massachusetts insolvency act of 1838, compelled creditors to prove, in addition to the facts required by the present English law, knowledge on the part of the person preferred that the act was in fraud of the bankruptcy law; in short, it practically required proof of collusion by the creditor. Under the new law, a preference seems to be one thing if asserted in a voluntary proceeding, and another if alleged as an act of bankruptcy on which an involuntary proceeding is to stand. In both cases, the preference must have been made within four months of the filing of the bankrupt's petition. But, in the former, the proof need not go further, in any but exceptional cases, than to show that the act will result in giving one creditor more than others, and that such creditor had reasonable cause to believe that by the act the debtor intended to prefer him; while, in the latter, not only insolvency —which, as we have seen, is difficult of proof—but intent to prefer, must be shown.

Therein lies the weakness of the new law, as a permanent relief to creditors. Family reunions at creditors' meetings in courts of bankruptcy are still both possible and probable. The cheat and the cozener, unless checked by the vigilance of judges and referees, may become as notorious as they were in other days, and a convenient relative or willing friend may still continue to be the ready safe deposit for the plunder of the mercantile rogue.

When May a Discharge Be Refused?—In nothing else does the English bankruptcy system differ from our own as much as in this. No discharge was granted a debtor until the reign of Anne. A little later, not only a discharge, but allowances on dividends, varying from three to ten per cent., were granted to the bankrupt, in order that he might get a fresh start; a provision which also appears in our bankruptcy law of 1800. Until a comparatively recent period, the discharge was of no value unless signed by a specified number of creditors, which rule seems still to prevail in France. Since 1832, discharges in England have been in the discretion of the court, subject to some rather drastic limitations of a punitive character. This discretion has been abused; and yet the present English law permits discharges to be refused for numerous reasons, such as the debtor's continuance in business after knowing himself to be insolvent, failure

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to pay dividends of at least fifty per cent., rash and hazardous speculations, unjustifiable extravagance in living, culpable neglect of business affairs, and failure to account satisfactorily for losses.

Englishmen, too, have been prone to classify discharges. By the law of 1849, there were three kinds with corresponding effects; those given when the bankruptcy was wholly unavoidable, those when it was partly unavoidable, and those belonging to neither of the latter classes. The present English law permits the court to refuse a discharge outright, to withhold it for not less than two years, to withhold it until the estate shall pay fifty per cent., or to require the bankrupt to allow judgment against himself for the difference between the required fifty per cent. and the amount of dividends actually paid. It seems curious that this latter is the usual method, and yet that the present law of England is far and away the most successful and the fairest bankruptcy law yet enforced in that country.

While the list of objections to discharges in England is on the increase, here it is growing smaller and smaller. In 1800, among other restrictions, the bankrupt was not entitled to a discharge unless he paid seventy-five cents on the dollar. In 1841, a majority of creditors in number and value might prevent the discharge by filing a written dissent thereto. The law of 1867, as amended in 1874, refused a discharge to voluntary bankrupts who did not pay thirty per cent. on claims proved, except with the assent of one-fourth of their creditors in number and one-third in value; and, copying the English model, it enumerated ten acts, the commission of which might deprive him of his discharge.

The new law goes to the antipodes of the present English statute, and not only wipes out the necessity of paying any percentage in dividends, a very proper change, but abolishes the semi-control of creditors over discharges, and allows a certificate to be withheld only when the debtor has committed one of the felonies enumerated in the law, or when he has *fraudulently* failed to keep, or in contemplation of bankruptcy has destroyed or concealed, his books of account. Not even a fraudulent preference is objection to a discharge. "Life tenure" and "government by injunction" have thus their legitimate offspring in this sugar-coated section of our law. The Delilah of Populism has shorn the Federal judiciary of its power. The buzzards, to

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use Senator Stewart's picturesque designation for creditors, have been deprived of their prey. What matter, then, if the commercial rascal and the business pickpocket be free again!

What Is the Least Expensive and Most Expeditious Procedure?—Probably nine-tenths of the criticism of bankruptcy legislation has been directed to details of procedure. In England, for more than half a century, the lines were drawn for or against officialism. Prior to 1831, bankrupt estates were administered by three commissioners, largely controlled by the creditors. From that time down to 1869, the courts administered through their assignees. Then for a decade or more, creditors took hold again and made a mess of it. The present law is a compromise, an official of the Board of Trade being in charge until the creditors get together and determine on action. It seems to have made little difference which system prevailed, as, so it is said, in the one the lawyers preyed on the estates and in the other the courts and their appointees did so.

The English procedure has always been complicated. It has provided elaborately for compositions and arrangements, with the result that, until the present law, debtors have more often compounded and compromised than gone through the courts and obtained their discharge. From 1870 to 1877, there were but 8,275 bankruptcies, these nearly all involuntary, to 31,651 liquidations and 20,270 compositions. Even under the present English law, the actual official bankruptcies are in number hardly more than the so-called deeds of arrangement. On the other hand, the rigid public examination which is now required, operates both as a threat to the fraudulent bankrupt and as a protection and vindication to the honest or unfortunate debtor. It stimulates the co-operation of negligent creditors and prevents much fraud.

In the United States the administration of bankruptcy laws has too often been odorous from nepotism and onerous with costs. In the lurid rhetoric of the Congressional debates, it was "the rodents who burrow around the places of justice," and "pillage by the fee-fiend" which discredited the law of 1867 and led to its repeal. The present law is intended to avoid these criticisms. Rapidity in administration is commanded in words and compelled in practice, by making the payment of fees contemporaneous with the winding up of the estate. The fees themselves are small, so small indeed as, in the minds of some, to

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jeopardize the proper administration of the law; while but one reasonable bill of costs can be allowed the bankrupt's lawyers, no matter how many are employed, and any payments made to them by way of advances for legal services are subject to scrutiny. Bankruptcy courts, presided over by referees having broad judicial powers, are established in every county. Indeed, bankrupts and creditors could not well have a procedure which is simpler, less expensive or more favorable to themselves.

Such is the latest product of bankruptcy legislation, genealogically examined. Starting with the Torrey bill, notable for its too harsh provisions, proceeding through the Nelson bill, as inadequate in procedure as it was lacking in a broad grasp of the dangers to commercial morality, which had to be avoided, and finally developing into a compromise between the latter and the Henderson substitute, a measure which seemed to find the golden mean, it goes on the books as a law for temporary relief, not for permanent control. Many assert that this is as it should be. The crying need for its passage was that the unfortunates, who have been in bondage to debts and judgments born of the late period of depression might be free again; and the country will quickly feel the effects of the restored energy of the tens of thousands who have gone down in recent wrecks. So far the law is expressive not only of our humanity, but of our commercial common sense. The honest bankrupt is needed back in the ranks of business. There are, however, others, who "will pay you some, and as most debtors do, promise you infinitely." And there are yet others, who, in spirit, if not in deed, would in these times of prejudice and passion listen willingly to ancient Timon's exhortation to his brother debtors within the walls of Athens:

> **"Bankrupts, hold fast;**
> **Rather than render back, out with your knives,**
> **And cut your trusters' throats."**

We might have gone further and enacted a law which would prove valuable in times of prosperity, as well as in times of depression. Just now the law-giver can well be a philanthropist. Year in and year out, he must be a policeman, too. Our law of 1898 is philanthropic to a degree, but as a discourager of commercial dishonesty, it is like a peace officer without a warrant, or a policeman with unloaded revolver. The majesty and the threat of the law are there, but, unless its officer is keen

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eyed and a good runner, the fraudulent bankrupt will usually escape. It may be that in practice creditors will boldly risk defeat and damages to force the mercantile fraud into the hands of the court; but it is not likely. At any rate, the bankrupt need no longer fear the diligent creditor, but rather the daring one.

There is, of course, in many quarters another view of the law and its purpose. It is thought typical of man's increasing humanity to man. The bankrupt will always be with us; so will the creditor. The former needs protection against the latter; the creditor can take care of himself. Thus many a good citizen may find comfort in the reflection that, if we have gone far toward preventing involuntary bankruptcy, it has been that our laws might be just rather than severe, and expressive of the principle that a score of rascals had better go unpunished rather than that one honest man should suffer oppression. This is the spirit of the age.

Nearly a century and a half ago Blackstone declared that the bankruptcy laws of his time were "founded on principles of humanity as well as justice." Modern jurists would not now assure us that such was the case; else to what purpose did John Howard live, or how came it that Dickens moved a sympathetic world with his story of Little Dorrit and the debt-deadened prisoners of Marshalsea. Now, even the day seems passing when, in the words of the gentle Autocrat,

> **"The ghostly dun shall worry his sleep,**
> **And constables cluster around him;**
> **And he shall creep from the wood-hole deep**
> **When their spectre eyes have found him."**

Old things are passing away. Sympathy sits where sternness sat. The nimble debtor is no longer part of a tragedy. He belongs to the serio-comic drama instead. Bankruptcy is not a crime, but a condition; not always a disgrace, but rather a disease; and present laws, while providing relief for him who owes, seem but negatively valuable to him who owns.

WILLIAM H. HOTCHKISS.

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LITERARY SHOP.

BY ANDREW LANG.

EVERYBODY likes to talk his own "shop," even though (as Herodotus remarks about the dancing of Hippocleides) it be "pleasing to himself but distasteful to others." Mr. Rideing's recent article on "Literary Life in London," affords a temptation to talk the "shop" of "literature." As a "literary gent," I read his remarks not only to my entertainment, but to my instruction. There is so much in the essay that comes as a novelty to one who is in London (when he cannot help it), but who is not of it.

As in Rome Virgil sighed for the fields, "Spercheius and Taygetus, where wander the Lacænian maids," so in London a desire of Yarrow and Tweed possesses me. Yet, being in London, one would talk the shop of letters if one had an opportunity. Mr. Rideing knows many golden opportunities, knows clubs in Fleet Street, "where all the talk is literary shop." How does a man get into these pleasant successors of Bays and the Cocoa Tree? I never heard of them before. Perhaps some eminent person, some great author, there gives his little senate laws, like Addison, "while wits and Templars every sentence raise." One is reminded of great Anna's golden prime. Perhaps the members of the clubs call for Florence or Margout, possibly they wear perruques.

The Vagabond's Club I do know; at least, I have partaken of their hospitality. It is proper to say that, if any of the fair guests did "smoke cigarettes," they were few and inconspicuous. As for literary shop, it was not to be found; there are, after all, better topics. Then the "fascinating little club" in the Park, is it a dream of Mr. Rideing's? I never surprised the literary nymphs, as Actæon did Diana, "under the chestnuts and beeches,

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on sunny mornings," or in the Serpentine. How do they find time to go there on sunny mornings? As to "literary receptions and teas," we may practise at the pen, in London, and never even hear of their existence. To be sure, receptions and teas are less attractive than the cricket ground of the late Mr. Lord, where an exquisite modern poet* did once entertain me with literary shop, displaying an epicurean indifference to the fortunes of Oxford in a struggle with M. C. C.

And the other side, the side of lettered "poverty and horror?" One feels like the Levite who passed by on the other side of the way, and yet one has not met the literary wayfarer "who fell among thieves," though, of course, one has heard "publisher stories." Such unhappy devils are "writers of adventure stories for boys." Three eminent hands in this noble art I have known. They did not lunch on biscuits in the reading room of the British Museum; indeed, I do not think they frequented that mausoleum. They appeared to enjoy an enviable prosperity.

All this ignorance is probably common in the profession which, says Mr. Rideing, "has very little *esprit de corps.*" We have all *esprit,* of course, in abundance, but there is not any *corps;* no definite body with examinations, diplomas, traditions, regulations. *Esprit de corps,* without a *corps* for the *esprit* to inhabit, is unthinkable, so far I will go with the Materialists. How can each of us have pride in all the others? We are not even so well combined and marshalled as Falstaff's regiment; in the nature of things we have nothing in common with each other, except ink, and ink, as Mr. Rideing justly remarks, is not our property. All the world may use it. The literary man "is not taken seriously." I think he is, when he possesses the adorable faculty of taking himself *au serieux.* But, when the professed man of letters enters another field he becomes an amateur, and must expect to be treated as such. A literary man "is not taken seriously" in the House of Commons. *C'est selon.* Sheridan was taken seriously; so, for a considerable period, was Mr. Disraeli, and I doubt if Mr. Lecky is contumeliously regarded. Sir George Trevelyan gave up to politics what was meant for mankind, alas, and a born man of letters became "a frivolous Member of Parliament." Yet he has held high office.

*Mr. A—— D——

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The world has always laughed at the poet, as a man. They had their jests at him even in Celtic society. If he will wear long hair and a cloak, he must take the consequences. We cannot have everything. "The madness which is of God" may be wiser than the wisdom of men, but we cannot expect men to see it in that light. Poetry, as a general though not invariable rule, demands a life of retreat, fugitive and cloistered. More poets have lived like Wordsworth or Tennyson than like Scott. If a man will "go booing about the woods," he cannot hope to be seriously regarded by those who go "booing" to political meetings.

Then comes the ardent question of titles and state honors. These, in England, are bestowed on rich political people, on members of the public service, on artists, and actors (once or twice), on doctors and scientific characters. Honors for literary men are rare. There was Scott's baronetcy; he wanted it (as a man of family with feudal principles, not as a man of letters) and he got it. The Sheriff was knightly, by nature, and they gave him his spurs. It is probable that several men of letters have managed to decline official honors. When Lord Tennyson accepted gracefully what his sovereign gracefully and gratefully gave, some literary persons "booed" at him. The great poet neither coveted nor churlishly refused official recognition. To him the matter, we may believe, was purely indifferent. And it really is indifferent to most men of letters. Knighthoods, as a common rule, come to the beknighted because of their much asking, except when they come in an official routine, in the public service. Having nothing official about us, having no routine, we cannot look to receiving ribbons and orders. And, I hope, we cannot be expected to sue, and pester, and hint, and intrigue for bits of ribbons! Is it not agreeable to be out of that kind of work, to pull no strings, to solicit no Academician for his vote and interest? Am I to envy my college contemporaries, who, being of a certain seniority in the public service, blossom into K. C. B.'s?

We cannot easily, or with dignity and self-respect, shout for prizes very common in other businesses. The palmy days for men of letters departed with the last of the Stuarts. Addison, Steele and the rest had offices. Mat Prior was an ambassador, though I have seen a letter of Queen Anne in which she objected that Mat was not heradically a gentleman. Then arrived George I. "He hated arts and despised literature, but he liked train oil in

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his salad, and gave an enlightened patronage to bad oysters." With him and Walpole came a new era, not friendly to the wits. The tradition of that era has survived in the official world. It was a king who made Scott a baronet, a queen who made Tennyson a peer; the common run of knights are children of the official world. Thackeray wrote very sensibly on the theme, and really I do not see that literature would be elevated if a few more mediocre notorieties, third rate novelists, were saluted as "Sir." Already we have several "Sirs." We may come to be as beknighted as the medical gentlemen (who, to be sure, deserve all the honors they get), but it does not seem a thing to strive and cry for at public dinners. Our position, in such exclamations, is too like that of the baby who wants the soap in a popular work of art. I have known a number of men who write, and I never heard one of them allude, in any way, to this business of the equestrian rank, in private conversation. It did not seem ever to have entered their minds, not that they "took no pride in their profession," but they did not care. As to "pride" in their profession, it is rather pleasure than pride that a man takes. Unlike most lines of business, this one is adopted because we like it. The taste may seem odd, but like it we do, which amply compensates us for the lack of ribbons. Of course, I do not maintain that the baby should not have his cake of soap, or that a novelist is less worthy of official notice than a brewer, a provincial mayor, or a gentleman in the Education Office. But all these characters have a traditional claim to be dubbed knight; they want it, they would feel unjustly treated if they did not get it. We have no such traditional claims, and very few of us are excited on the subject, or "won't be happy till we get it," or try to set up a new tradition. Our ambition takes other lines, or perhaps we are entirely content with our work, which we find amusing. It cannot be amusing to be a brewer, a mayor, or immersed in the routine of the Civil Service.

The grievance of being cut out by the distinguished amateur is another question. Mr. Gladstone wrote on Homer, on Miracles, on Biblical criticism, *en amateur*. Did he cut out any professional? Probably not; his books might be more prattled about, at "literary receptions," and more promptly reviewed than those of experts, but experts do not write for the prattlers. Mr. Gladstone made no mark on the alien studies to which he devoted his energetic leisure.

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The distinguished amateur, of course, has the advertisement of his distinction, but that is part of the nature of things. Moreover, the amateur may be a better man than the professional. Mr. Grote was a banker, but an excellent historian, and no Homeric scholar grudges the eminence of Mr. Walter Leaf, whose days are given to practical affairs. I do not know (being unphilosophic) how great Mr. Balfour may be as a philosopher, but the general reader knows, as a preliminary fact, that Mr. Balfour possesses no ordinary intelligence. Therefore he listens to him rather more eagerly than to a metaphysician in a college, about whom he knows nothing at all.

On the pecuniary side of the literary life, I feel no competence to write. It is regulated by economic laws. Mr. Rideing's young lady of genius cannot make a competence by producing excellent short stories. As the public does not read short stories (except in one or two cases) I am not surprised to hear of her failure. Even Mr. Stevenson could not have lived by short stories alone. Mr. Kipling would have a much more extensive circulation if he wrote long novels with as much acceptance as he writes *contes*. Nobody can make anything like the income of a successful barrister or doctor, by writing anything except novels, usually bad; but, in some mysterious way, dear to people who are nothing less than literary. Men write on history and various other learned themes, because they like to do so; the public is indifferent, the critics are (as a rule) ignorant and unconcerned. A novelist makes hay while the sun shines, and it appears that, to vary the figure, he kills by his exactions, the goose of the golden eggs, the speculative publisher. Perhaps he also kills his own little noisy talent, by shouting one novel into a phonograph, while he develops another with a typewriter; all this at four in the morning! It is a story for which one wants documentary evidence at first hand, as in Psychical Research. I have known a novelist who wrote in the dawning hours, but that was because he wanted to play several rounds of golf later. A phonograph was not among his tools.

There remains the matter of the Author's Agent. He saves publishers and authors a great deal of trouble, and may even prevent an author's relations with his publisher from being "stripped of all sentiment." If the pair are friends, they need never allude to business at all. The agent discusses the odious details.

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There still exist even popular novelists whose publishers are their private friends. In such a case, I presume that neither "the methods" nor "the manners" of the agent are "bad." His is a new business; if undertaken by a person of tact and sense it may fill a useful place. If undertaken by a greedy, pushing, unscrupulous bagman, the business will not last long. The business is not, or ought not to be, to "create discord," but to arrive at just covenants without personal friction. However, a writer who is not a popular novelist can know nothing practically about authors' agents. They, or somebody of their sort, appear to be needed by the successful writers who never succeed in being properly remunerated. All this has next to nothing to do with literary life, which is concerned with good letters, not with six shilling novels, and the *Chrematistikê* of scribbling. The study, and the creation, of good literature have very rarely been, and are more and more unlikely to be, a lucrative affair. Letters, like virtue, are their own reward. But perhaps this view is not popular at literary tea parties; perhaps Royalties and so much "per thousand" are there held fitter themes for erudite discussion. Perhaps there is now such a being as the commercial *precieux!*

ANDREW LANG.

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ITALIAN ANARCHISTS.

BY FRANCESCO S. NITTI, PROFESSOR OF POLITICAL ECONOMY IN THE UNIVERSITY OF NAPLES.

SINCE the 24th of June, 1894, when Sante Caserio murdered President Carnot, only four years have elapsed. In that short period the Italian anarchists, armed, like the classical regicides, with a dagger, have murdered Don Antonio Canovas del Castillo, the Prime Minister of Spain, by the hand of Angiolillo, and the Empress of Austria, at Geneva, by the hand of Luccheni.

These two dreadful deeds are not without a cause, and the press of all the world has turned its attention upon Italian anarchism, regarding it as a phenomenon peculiar to Italy, which forms a danger for all civilized people.

Anarchism is not peculiar to Italy. On the contrary, it was imported into Italy about thirty years ago by Michele Bakonnine, and the Italian workmen who abandon themselves most readily to anarchy are those who live *à l'etranger*. There is no nation which is exempt from anarchy. Russia and Spain are the countries from whence anarchist propaganda originally proceeded. But Germany, England, France, all have a number of anarchists. Not even the United States have been exempt from contagion. Indeed, the anarchists of Chicago are among those who are most admired by Italian anarchists, whose organs commemorate every year in November what they regard as the martyrdom of their American brethren.

What is peculiar to Italy is the diffusion of the anarchist spirit on the one hand, and, on the other, the readiness of that spirit to vent itself in attempts upon the lives of elevated persons, be they sovereigns, princes, or political men. The former phenomenon has its cause, in part, in the economic conditions of the country, and in a certain spirit of intolerance, which is widely

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found among Italians; the latter, in a historic tradition which, perhaps, has never been interrupted. Caserio, Angiolillo, Luccheni follow without intending to do so, perhaps without knowing that they do so, the tradition of Agesilao Milano, Orsini, and of the numberless conspirators and regicides whom the middle classes in Italy have glorified. The radical *bourgeoisie* of Italy has elevated, in other times, the murder of a tyrant into an act of heroism. There are streets that are named from regicides, and towns which pride themselves upon having given birth to them. In the schools, they speak, even now, with a mysterious respect of Agesilao Milano, who was executed for having attempted to kill Ferdinand II., King of Naples.. He has been, nay is, considered a martyr. Then the most sensitive minds are incited by such pernicious teaching to acts of wild energy. The Southern imagination does the rest, and the humble workman, like Caserio, thinks of himself as an avenger of wrong and a benefactor of humanity in killing a high personage.

Anarchists are rebels; and, in all time, among rebels some have been generous, some violent, some perverse. There are idealist anarchists, and criminal ones; the evil is that the latter are generally the most conspicuous. Now, Italian workmen who, driven out of Italy by their uneasy economic conditions to seek employment abroad, are the best subjects for anarchist propaganda. Having abandoned their country not to enrich themselves, not to seek prosperity, but often only to live, they carry in their hearts a feeling of bitterness and sorrow. They possess generally, as did Caserio, Angiolillo or Luccheni, the very limited culture of inferior Italian schools, with a basis of historical anecdotes, more or less exaggerated. If the anarchist ferment penetrates their minds, and the revolutionary press infuses into them the slow and pernicious poison of intolerance and violence, they become the most dangerous anarchists.

Anarchist doctrine and propaganda were introduced into Italy by Michele Bakonnine. Having escaped from Siberia in a marvellous manner, he, after sojourning for short periods in almost every country, stopped in Italy, where he remained from 1864 till 1868, almost without interruption. He was a poor writer, but an unsurpassed organizer and worker. He lived in nearly every part of Italy, but most of all in Florence and Naples. He admired Naples, for he saw in it a perfect field for the develop-

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ment of anarchy. A Slav writer, Professor Dragomanow, published in the Russian language, a few years ago, the collection of Bakonnine's letters, having a political or social character. Many are dated from Naples, and are of an extraordinary bitterness.

In April, 1872, exiled at Locarno in Switzerland, Bakonnine, even after the defeat of the Commune of Paris, wrote to a Spanish friend: "You know that in Italy, in this last time, our International and dear Alliance have had a great development. Till now, it is not the disposition which has been lacking, but organization and idea. Italy is perhaps actually the most revolutionary country. In Italy there is what is wanting elsewhere; a flaming youth, energetic, without career, without resources, which, in spite of its *bourgeois* origin, is not morally and intellectually enervated like the youth of other countries. Now, it throws itself unreservedly into revolutionary socialism on our programme, that of Alliance." Words full of exaggeration, but not without an element of truth.

Bakonnine founded in Naples the first section of the International in the year 1867. He had some workers with him, but the greater number of his followers belonged to the *petite bourgeoisie.*

The first journal founded in Naples by Bakonnine's influence was called *L'Eguaglianza,* but it had not, and could not have, many readers. The movement of the International spread rapidly. Associations were formed everywhere, leagued with the vast organization. The first and greatest friend of Bakonnine in Italy was Charles Cafiero, who died some years ago. Even now, anarchists speak everywhere with veneration of Cafiero, who was the most generous adherent of the party. Belonging to a very rich family of Puglie, he had studied jurisprudence with a view to dedicating himself to a diplomatic career. He was attracted by the doctrines of anarchy, and gave up all—family, riches and comfort—to espouse its cause. He had not a strong intellect, but great sincerity. He died mad, with a fixed delusion that wings would sprout out of his body, and that he would fly into heaven.

The International in Naples was dissolved by an order of the Minister of the Interior, on the 14th of August, 1871. In the ordinance of dissolution it was said that that association constituted "a permanent offence against the laws and the fundamental institutions of the nation."

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Between 1867 and 1871 had arisen at the same time a few associations of revolutionary character. None of them professed to be anarchist, but they were all really so. Italy, but a short time before delivered from its domestic tyrants, had retained a love for violent agitations, for sects, for secret associations. The conviction was even general that it required the work of only a few individuals to reform the whole of society. Garibaldi and Mazzini intervened in the discussions which were so numerous in that period among republicans, socialists and anarchists. Mazzini, a high thinker, who, in the purity of his mind, despised violence, published, when the internationalist and anarchist agitation was at its height, a small work against the Commune of Paris. A firm believer in God, and with a profound respect for right, he could not tolerate that his friends did not set themselves against multiplying societies and sects that stood for the negation of God and of the fundamental principles of contemporary society.

Garibaldi, on the contrary, a more impulsive spirit, magnificent in action, but less temperate, published a letter in defence of the International, which he characterized as "the sun of the future." He was a great man of war, but in philosophic and social matters his words had little importance. Many of his followers were accordingly driven by his words to opposite parties. There was then a great discontent in Italy. As often happens in revolutions, many bad men had secured the most important places; many more who asked for places were dissatisfied. Not a few declared themselves republican, not because of belief in the principle or in the institution, but because monarchy had not satisfied them. The seed of anarchism fell then on ground well prepared for it. Many were only discontented, and confounded republicanism, socialism, anarchism; others sought means to wreak hatred upon a society by which they thought themselves ill treated. Discontent was specially rife among the *bourgeoisie.* It is remarkable that the *bourgeoisie* and more specially the *petite bourgeoisie,* had cherished in few countries revolutionary ideas. Proudhon, the theorist of anarchy, said that workmen were not by nature revolutionary; that the true revolutionary classes are the middle classes.

Under the influence of propaganda and agitation, and of the peculiar conditions of Italy at that time, anarchism began a series

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of small revolutionary movements, which were more frequent than elsewhere in Tuscany, in Romagna and in the neighborhood of Naples. The tumults of Carrara, Imola, the revolutions of Ponte Molle and San Lupo were the first of a series of anarchist attempts. Bakonnine had declared that the southern brigand of Italy is the type of an anarchist. What were these brigands? They were only—putting aside exaggerations—outlaws, persons who placed themselves in open conflict against society, and who acknowledged no law and no authority. They acted with the most absolute liberty, pitting strength against strength.

"We," wrote an anarchist journal of Bologna, "are revolutionists and anarchists, and we aim at the destruction of existing political, social and religious orders. * * * All that is good in the world has been obtained against the laws, has been squeezed out by force. Rebellion, then, against laws is the first condition for each step of progress. Human civilization is but the result of a succession of great social crimes." The violence of the language of many of the little anarchist journals published under Bakonnine's influence and inspiration was incredible. The anarchist associations, also, had the most violent and the strangest names: "*Morte ai borghesi*" (Death to *Bourgeois*) "*Combattiamo*" (Let us fight), "*L'Ottantanove*" (The eighty-ninth), "*La Rivendicazione*" (The revenge), "*La Dinamite*" (Dynamite), "*Forca e pugnale*" (Gibbet and dagger), etc. Sad names of sad things!

Among all the anarchist movements at that time, an interesting one was that of San Lupo, which happened in April, 1877. A band of anarchists went there with weapons and tried to make the populace rebel. They were arrested, and taken to Naples, and in August of the following year tried by the Court of Assizes in Capua. At the head of the rebels were Cafiero and Malatesta, and others who, later, exercised a decisive influence upon the whole anarchist movement.

Since the revolutionary attempt at San Lupo, anarchism in Italy made no attempt at insurrection. But not infrequently popular disturbances have been turned to the account of anarchist designs. The propaganda, as they call it, has often very dreadfully asserted itself. It has happened, as in Florence and Pisa, that even in demonstrations of the people, they have thrown bombs in the crowded streets. Anarchism, after 1880, showed

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a tendency rather to lose ground than to develop itself. Between 1893 and 1894, however, it revived strongly, and we have seen the evidences of greater activity and increased violence. But it may be said that Italian anarchists have attracted more attention outside of Italy than in Italy.

Italy has enacted a few laws against anarchists, which sometimes have been well, and often poorly, enforced. But the insufficiency of laws to repress anarchism is an evident fact. Anarchists are, for the most part, exalted spirits, who are prepared to sacrifice everything to a false pride. Persecution, trials minutely and widely reported, executions graphically described by journals, inflame the mind and incite the wish for imitation. The warmest imaginations, the most unquiet spirits, far from being dscouraged, delude themselves into the fatal error by thinking that the sacrifice of one alone is sufficient to change deeply a state of things which has its roots in the necessities of every society.

It is wrong to think that all anarchists are corrupt or perverse; they are for the most part ingenuous. Anarchist doctrine bases itself upon three fundamental principles: (1.) Men are naturally good; therefore, all law and all authority are pernicious, because absolute individual liberty is the condition of happiness. (2.) Men have a natural tendency to work, and when every bond is broken, they will work willingly, so that society as a whole will have greater wealth; some say, all will have in proportion to their wants. (3.) Religion and government are nothing but instruments of oppression. Humanity cannot be happy without abolishing both the one and the other.

These are three principles that have their modern origin in Rousseau and Fourier's works, and are such as to have seduced even some of the most cultivated minds. When they are accepted and proclaimed by persons devoid of culture, or having a very limited culture, they must, of necessity, lead to criminal consequences. Each individual, being freed from restraint of law, can act as he thinks best for the good of humanity. As soon as to render humanity happy it is supposed to be only necessary to open the eyes of the greatest number to the propaganda of fact, the wildest outrages are or seem to be a good. It happens that many delinquents call themselves anarchists, and thus find the means of satisfying their criminal instincts.

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Italian anarchists are like those of other countries; there are those who are sincere in their delusion, and who act, even in the most violent actions, with ingenuousness; and there are others who are merely violent or perverse. There is, besides, a third type of anarchist, the anarchist of policy, who makes profit out of his associations or out of some individuals who profess the doctrine. Of such are those who are, in appearance, almost always, the greatest enthusiasts. But it is curious to remark that Italian anarchists are, always or almost, the most sincerely deluded.

Pini himself, who was condemned in Paris, and with whom the press of all the world occupied itself for so long, was a thief for the benefit of others. He had surrounded himself with thieves, who professed themselves anarchists, and who robbed for a social purpose; anticipating, that is to say, the expropriation of the *bourgeois*. The product of the thefts was divided among his fellow anarchists of all the world for the service of the propaganda. Then, while Pini's comrades made merry, he lived poorly, soberly, on thirty sous a day. The sums stolen were given by him to the others.

When Pini was arrested and tried, a great question arose among anarchists, whether or not one could rob to help the propaganda. And it must be said that the greater number of Italian anarchists answered the question in the negative.

After Cafiero's death, the two Italian anarchists of whom Europe has talked most, and who are the best known, are Merlino and Malatesta. But they are two very different types. Both are Neapolitan, with a quick and living spirit and an acute intelligence. Merlino is very learned, and is also a subtle reasoner; Malatesta is a man of action. It is strange that the Italian anarchists who are most conspicuous as representing ideas belong to the south. The people of that region often lack the artistic qualities to be found in other districts of Italy, but they are subtle reasoners. When they accept a general idea, they know how to extract all the conclusions.

The difference between Merlino and Malatesta—so far as ideas and plans are concerned—is clearly marked by the different attitudes of the two men toward the horrible crimes of Ravachol. Merlino declared to a Parisian journalist: "Ravachol is not one of us, and we repudiate him. His explosions lose their revolu-

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tionary character because of his person, an unworthy one to serve the cause of humanity." On the contrary, Malatesta avowed that in theory he admitted bombs, and that the employment of them in one way or another was only a question of tactics.

Merlino is an advocate, and also an easy speaker and an acute writer. At present, he is less than an anarchist—a very advanced socialist. His recent book upon "*Socialism and Its Most Recent Manifestations*" removed him decisively from the apostles of the propaganda of action. Merlino even acknowledges that it is an error to withhold oneself from elections, and he wishes that his friends would enter Parliament. Malatesta's position is, on the contrary, unchanged.

Within the last two years, there has been published in Ancona, a journal with the title "*L'Agitasione*" (Agitation). This journal, communist and anarchist, was issued under the inspiration of Malatesta, who was the principal writer for it. It was, of all anarchist organs, the most widely circulated, and contributed signally to the anarchist propaganda in Romagna and Emilia. It lasted, in spite of persecutions, till the government suppressed it. In point of fact, since the events of last May, there are no more anarchist journals. The government has suppressed them all, arresting the editors who had not been able to escape in time.

Here a question naturally arises, What are the numbers of Italian anarchists? How many are registered in the anarchist party? Journals have published upon this point some fantastic statements. A true anarchist party, which is organized, which has acknowledged chiefs, does not exist in Italy—perhaps it does not exist anywhere. Individual action, if it does not exclude, makes very difficult, a large and permanent accord for collective action. I have observed almost always that one becomes an anarchist when, with a slight culture, or with one-sided culture, one entertains a high conception of one's strength. Now, men who have a high conception of their own strength, who think the will and the example of a few, if not of one, sufficient to overthrow deeply rooted institutions, do not succeed in associating with each other permanently. A very large party, with a determined plan, cannot subsist without the authority of one chief or of a few chiefs who direct the movement. Now authority is the negation of anarchy.

From time to time, however, they form associations. Four,

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five, ten, twenty individuals, at most, do succeed in associating themselves together to make readings in common, to try propaganda in some countries. The association of twenty persons without a chief authority, is impotent to act; it is merely a seed-plot of propaganda, a lecture circle, a more or less tumultuous club. The true anarchists, the anarchists of action, when they conceive the idea of an attempt at a murder, generally do not confide in anybody. Alone, in the daily exaltation of their purpose, they mature the idea and put it into execution. It is seldom that they confide even in an intimate friend, or that they associate two or three individuals, at the most, with them. The anarchist of action always fears that he may be betrayed or sold.

Bakonnine had conceived for some time the idea of making some vast secret societies, and Most tried to realize the concept. But anarchy and authority are things that cannot agree together, and without authority there cannot be a durable association.

Recognizing the necessity of organization, Malatesta wrote a few years ago: "We must organize ourselves in a purely anarchist manner; that is to say, without any authority, neither open nor disguised. We must have an organization that conciliates the free initiative of individuals and groups, the free development of all faculties and wills, with the unity of action, the discipline and often even the secrecy necessary for carrying on the struggle in which we are engaged. Is that possible?" He naturally concluded that it was. But ten years have elapsed since he wrote these words, and facts have not confirmed them. In all their journals, the Italian anarchists speak of spontaneous action, of free initiative, of individual will, of complete autonomy of the individual, and of many other things which are not compatible with association. Intolerant of discipline as he is, the Italian anarchist, if he succeeds only in forming little congregations, better than associations, feels however very strongly the spirit of solidarity toward his comrades. But groups are independent, the one from the other.

How many anarchists are there in Italy? It is impossible to give any answer to this question. A person who occupied a high political office and whose duty it was to follow the reports periodically sent to the government, told me that there are in Italy no more than three or four thousand active anar-

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chists. But this number may be very far from the truth. It has happened that many individuals who have accomplished the most dreadful attempts, were not known as anarchists or polity considered them as inoffensive proselytes. Sudden resolutions are often more frequent among unknown individuals, who think they may pass abruptly to celebrity and story.

The Marxist socialism is, in its doctrinal essence, contrary to anarchism; but, in its turn, it takes on a different character in different countries. In some districts of Italy workmen are very poor, and social relations very difficult. In those districts the socialist leaders find often numerous followers, who accept the programme of the Labor party. But in some of these individuals the socialist programme often produces a sudden discouragement. Why wait so long for the promised resurrection? Why work for a future which is long in coming, too long perhaps? They become, then, an easy prey to the first anarchist they meet. They are easily converted to a gospel that spares them the long expectation and allows every man of good will to try and to do. The anarchist journal of Ancona, "*L'Agitasione*" (Agitation), published a rubric with the title, "*Progredendo*" (Progressing). In that rubric were printed the letters, very numerous, that socialists, after their conversion to anarchism, sent to the journal. In such letters they always say that they are tired of waiting, that they have no more faith in legal methods and parliamentarianism, etc.

But why, then, have Italian anarchists such a bad reputation out of Italy? There are anarchists in France, in Spain, in Austria,. Three high personages have been murdered in those countries by Italian anarchists. The causes are manifold.

Italy, at this moment, is passing through a very trying period of her history. In spite of all that has been said and written, it has made great progress in the last forty years. It is a country that has many bad political institutions. It has made great mistakes, but it possesses a great deal of energy. Every year more than two hundred thousand Italians go abroad, driven to emigrate above all by their great fecundity, which is out of all proportion to the increase of wealth. To America the peasants go in greatest numbers, and they constitute an emigration that requires to be ruled and that nevertheless is not always composed of good elements. Above all, it is impoverished by a great proportion of parasites.

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In the countries that are contiguous to Italy—France, Switzerland, Austria—there go, on the other hand, thousands of workmen and laborers, who stay only a few months and return home every year. Thither go also individuals who have compromised themselves in their own country, and wish to elude the vigilance of the police. Caserio, Angiolillo, Luccheni, were workmen who had gone abroad for employment, the first two being of a very moral life. They have little or no culture, but the hot and quick southern intelligence renders them able to appropriate to themselves readily general ideas. Among their fellow workmen they meet socialist and anarchist workers; the latter especially act upon their excitable imagination. With surprise, they see that even in rich countries poverty exists. Poverty is then seen to be not a condition peculiar to a poor or backward nation. Then the idea enters their minds that the fault is with the social constitution. Society is held responsible for poverty, and for the hardships of the poor. A worker is dismissed because he is lazy or unfit for his work; it is the fault of society. Another cannot live as he would; it is the fault of society, where the law establishes and buttresses injustice. These ideas move excited souls, and the purpose of dismantling society, of giving some memorable example, is strengthened by individual vanity, which is so strong among people of the Latin race.

We must add that in the schools of Italy, an error never too much to be deplored, they make an apology for regicide. Unlearned teachers do not explain the difference between martyr and murderer. The history of ancient Rome is full of murders of tyrants or aspirants to tyranny. An individual becomes thus the avenger and the deliverer of society. I take up by chance a manual of history, used in a great number of Italian schools. It is astonishing to observe how many tyrannicides they justify, from Brutus to Agesilao Milano. There is praise for all. There was a time when Italy, specially Central Italy, was full of little tyrants; the regicide became an emancipator. The tradition has been unfortunately perpetuated. Even the poets, in like manner, have not refused to applaud political murder, not only the less odious regicides, but also the worst.

FRANCESCO S. NITTI.

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PENDING PROBLEMS.

BY THE HON. HANNIS TAYLOR, LATE UNITED STATES MINISTER TO SPAIN.

ALL historical students know that, in order to sweep away the endless misconceptions that arose out of the ancient method of studying history, the entire field has been re-explored. The result has been that all historical writings prior in date to the end of the eighteenth century, with the single exception, perhaps, of Gibbon, have been superseded by the works of the new or sociological school, whose primary purpose is to investigate in a purely scientific spirit the nature and constitution of societies, so as to discover the special laws that regulate their growth and decay, in the same general way in which biologists deal with the growth and decline of vegetable and animal life. To students of the new school, every society is a growing or a dying organism, and, as such, an aggregation of forces that can be subjected to clear and definite analysis. In that way the constitution of all the more important states—ancient and modern—have been traced to their roots, and the results embodied in that branch of knowledge known as comparative politics.

Thus, with the aid of the new historical method, the attempt has been made, first, to investigate the special histories and internal constitutions of all the more important social aggregates called nations; second, to compare them with each other in order to establish the points of likeness and unlikeness, as well as their relative weight and importance in the world considered as a whole. Race, language, religion, law, have thus become the leading factors in the mighty problem now confronting practical statesmen, who are standing to-day face to face with the momentous changes brought about by the silent and irresistible law of growth and decay that is ever disturbing the equilibrium of nations.

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The fundamental biological principle that growth is a necessary consequence of life, without which life cannot exist, applies as well to nations as to animals and plants; and growth necessarily means conflict the moment that touching boundaries tempt the strong to displace the weak. In that way the special circumstances, incidents or accidents that precipitate conflicts between nations, must ever vary, while the natural laws that underlie them are changeless and immutable. Few will be found to dispute the fact that these irresistible laws are ever moving the nations on, according to a definite plan to which all must bow, even the Napoleons and the Bismarcks, the estimates of whose greatness must at last depend upon the extent of their "coöperation with the real tendency of the world" about them in their time. We have Motley's authority for the statement that "Bismarck said he used, when younger, to think himself a clever fellow enough, but now he was convinced that nobody had any control over events—that nobody was really powerful or great, and it made him laugh when he heard himself complimented as wise, foreseeing and exercising great influence over the world." If it be true, then, that the destiny of every nation, in the larger sense of the term, is moulded by the operation of irresistible natural laws working from within and without, and above our comprehension or control, the duty of the statesman who guides at the critical moment should be, like that of the midwife, to coöperate with nature in such a way as to free each new process of parturition from all unnecessary obstruction.

In the hope of minimizing the disturbances continually arising out of the growing powers of one set of states and the declining powers of another, the European nations closed the Thirty Years' War in 1648 with the famous Treaty of Westphalia, whose fundamental principles survived as the basis of the public law of Europe down to the French Revolution. The dream which that compact embodied was the maintenance of peace upon the basis of a balance of power, a system that contemplated the restraining of any European state, by force, if necessary, from "pursuing plans of acquisition, or making preparations looking toward future acquisitions, which are judged to be hazardous to the independence and national existence of its neighbors." No attempt was made to extend the system beyond the borders of European states, including Turkey. It was intended to apply rather to land power

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than to sea power, and in that way acquisitions made over sea and outside of Europe were not considered within the scope of the concert.

When the epoch-making treaty was entered into, the leading European nations were divided, as they are now, into three groups, the Romance, the Teutonic and the Slavonic, which stood to each other in a very different relation to that in which they appear at the present time. At the outset, the states that dominated the new system of balance were France, Austria, Spain, Sweden and Holland. Great Britain, which stood in a position of comparative isolation, had just begun to widen her destiny by inaugurating a system of colonization; the new empire of Russia had not yet been lifted into great importance by the genius of Peter and Catherine; and Prussia had not yet been advanced from a secondary position in the German Empire to that of an independent kingdom by the military achievements of Frederick II. Among the powers then dominant the most ambitious was France, whose struggle for supremacy with Austria, involving chiefly dynastic questions, disturbed the balance of power in Europe down to the end of the eighteenth century. In order to illustrate the relative influence of France, Great Britain and Russia at the time the Treaty of Westphalia was signed, the statement may be made upon competent authority that, not long thereafter, those who spoke French numbered twenty millions, while those who spoke Russian numbered about fifteen millions, and those who spoke English, including all who had gone to the colonies in America, only about eight millions and a half. What has since disturbed the equilibrium of the world has been the declining influence of the Romance nations and the rapid expansion of the Slavs, on the one hand, and the Teutonic nations, on the other, especially those bound up in the British Empire, and in the United States of America.

The theory upon which the transatlantic acquisitions of the nations that entered into the European concert were to be excluded from its operation, was that their influence would react upon home affairs only in a remote and indirect way. But, in the hope of avoiding conflicting settlements, it was agreed "that discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title may be consummated by possession." Upon

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that understanding, the maritime nations entered upon a career of conquest and settlement in the Western Hemisphere, the final outcome of which has been the creation of a new world-power, whose expansion has suddenly precipitated events that now promise to bring about a re-arrangement of international forces on a new basis. At the outset, France and Spain distanced England in the competition for the heart of the New World. The results of the first period of struggle may be summed up in the assertion that, while Spain succeeded in securing a footing upon its southern, and France upon its northern border, every attempt made by Englishmen at settlement in America, during the sixteenth century, ended before its close in failure and disappointment. The French, who early in the seventeenth century had possessed themselves of Canada and the St. Lawrence, possessed themselves early in the eighteenth of the Mississippi, and between the mouths of the two mighty rivers were placed, at points of the greatest strategic value, a line of forts, designed to protect from English intrusion that vast domain called New France, which stretched on the west of the Alleghanies from New Orleans to Quebec. While France was thus hemming in the English settlements between the Appalachian range and the Atlantic Ocean, Spain and Portugal were appropriating to themselves what remained of the three Americas. How far that process had advanced up to January, 1800, will clearly appear from the following table,* showing in square miles the relative portions of the New World possessed by each nation at that time:

			per cent.
Spain	7,028,628	or	45.7
Great Britain	3,719,109	"	24.2
Portugal	3,209,878	"	20.9
United States	827,844	"	5.4
Russia	577,390	"	3.8
France	29,352	"	.01
Netherlands	434	"	.0
Denmark	223	"	.0
Total three Americas	15,392,858		100

France's position on this balance sheet, indicated by the figures .01, was the result of the first great effort at expansion made by the American colonies, under the lead of the mother country, when the time came for them to pass the tops of the Alleghanies, in order to make place for their swelling populations in the valleys of the Ohio and Mississippi, upon which France had

* See *Review of Reviews*, Dec., 1897, p. 715.

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first laid hold. When the conflict came, when the English colonial system, trained in self reliance, came into collision with the French colonial system, enervated by paternalism, but one result was possible. France's dream of empire in the West was broken; she was forced to give up her priceless possessions, and to retire from North America.

The great Western territory of which France was thus deprived Maryland claimed should be vested not in a few great states, but in the confederacy first formed; and thus it came to pass that the area of the United States, as recognized by the treaty of 1783, exceeded 800,000 square miles, with the Mississippi as its western boundary. And yet, even with that vast addition to the territory of the original thirteen colonies, the single republic that existed in America in 1800 only occupied 5 per cent. of its total area. How that small proportion has expanded since that time is a matter of familiar history. In 1803 Jefferson, availing himself of the necessities of Napoleon, consummated the Louisiana Purchase, whereby the national domain was more than doubled by the acquisition of an area estimated at 1,124,685 square miles. The natural supplement to that transaction, which placed us among the great powers of the world, was the treaty negotiated with Spain in 1819, whereby the whole of Florida was ceded to us in consideration of a concession upon our part that yielded Texas to Mexico. In 1845, however, we annexed Texas and added 376,133 square miles to our domain, despite Mr. Clay's anxiety lest we should be looked upon "as actuated by a spirit of rapacity and an inordinate desire for territorial aggrandizement." Mexico's turn then came, and in 1848 the treaty of Guadalupe Hidalgo was signed, under which New Mexico, including what is now Arizona and California, came to us for fifteen millions. For ten millions more we consummated the Gadsden Purchase in 1853; and through the two acquisitions we received an addition of 591,398 square miles. In 1867, we purchased Alaska from Russia, and in that way added 531,409 square miles of territory, not contiguous to our own, with a coast line longer than that upon our Atlantic and Gulf seaboards combined. In that way, our national domain has been so expanded during the century as to include now 3,602,990 square miles.

While the growth of our Federal republic was thus bringing about the expulsion of the Romance nations from the heart of

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North America, through the direct means of conquest and purchase, the same force was at the same time expelling them from Central and South America through the indirect means of its moral influence. The great political idea which the English settlers brought with them to the New World reappeared in the form of a self-governing republican state, whose internal organization rests upon the basis of English law, and whose ethical ideals rest upon the same basis. Under new geographical conditions, the typical English state in America soon learned how to unite with others of its class in a Federal system capable of unlimited expansion. That new political conception has impressed itself upon the constitution of Canada, without, however, depriving the British Empire of any territory held by it in 1800. In Central and South America its history has been far otherwise. There, early in the present century, mainly during the period between 1810 and 1825, eighteen republics after the American model were born upon the soil of Spain and Portugal. In that way, the area occupied in America by republican institutions has swelled from 827,844 square miles (5.4 per cent.) in 1800, to 11,632,426 square miles (75.6 per cent.) at the present time. When to that grand total is added the 3,626,352 square miles still possessed by Great Britain in the three Americas, only 134,090 square miles (including Cuba and Porto Rico) are now governed outside of the sphere of the British and American political systems, which, despite local variations, rest upon a single broad and historic basis. In the light of these facts, no student trained in the historical school can doubt that the paternal and dependent pro-consular system of colonization established by the Romance nations in the New World has broken down and disappeared in the presence of the self-reliant and self-governing English system, in obedience to that irresistible and all-pervading natural law which provides that the fittest shall survive. The process which began with the expulsion of France from North America in 1763, ended with the expulsion of Spain from Cuba and Porto Rico during the current year. The special circumstances or accidents that finally precipitated the conflict between Spain and the United States are, from a historical point of view, of no special importance, beyond the fact that they fixed the exact point of time for the termination of a process whose result was as certain as anything can be that follows the course of nature.

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No successful attempt can be made to master the grave and far-reaching questions of national and international policy that have been suddenly put before us through the results of the recent war, without a clear comprehension of the fact that that war was the inevitable outcome of our national development, which has drawn after it, as a necessary consequence, a vast and rapid territorial expansion. The empirics who imagine that it is within the power of political parties, or of individual statesmen, to check that expansion arbitrarily, are as vain as the king who commanded the waves to pause at his feet. As a tree or a vine may be trained to grow in a certain direction, so we may hope, by political means, to direct or to restrain to a certain extent, perhaps, the national tendency. But, in order to accomplish even that much, we must clearly comprehend existing conditions, and deal with pending questions in the light of those conditions. The founders of the republic, with Washington at their head, followed that simple and obvious rule a century ago, when the then infant republic, with its three millions of inhabitants and its 800,000 square miles of territory, stood to the European world in a state of isolation. They did not attempt to look a century ahead of them, in order to lay down rules for the guidance of statesmen who were to be called upon to deal with conditions of which they had but the faintest dream.

In obedience to his practical temper, Washington, in his farewell address of 1796, wisely and prudently defined a foreign policy suited to that time, whose keynote was that: "Europe has a set of primary interests, which to us have none, or a very remote relation. * * * It is our true policy to steer clear of permanent alliances with any portions of the foreign world; so far, I mean, as we are now at liberty to do it." Washington, of course, had specially in view the confusion resulting from the dynastic struggles that had disturbed the European concert in his time, extending often even to our shores; and he was, therefore, naturally desirous that we should not "entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice." There is no reason, however, to charge Washington, upon the basis of that declaration, with the Utopian dream that the qualified isolation, which he recommended to one of the weakest of nations, should continue after that nation had become one of the strongest.

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The ablest of Washington's contemporaries who were called upon, twenty-seven years later, to re-define, in a more specific form, what our relations to the European powers should be, certainly indulged in no such illusion. In 1815, the five great powers entered into the league known as the Holy Alliance, which was afterward declared to be "a union for the reconquest and liberation of a great portion of the continent of Europe from the military despotism of France. * * * It was never, however, intended for the government of the world, or for the superintendence of the internal affairs of other states." That last qualification was, in the course of time, entirely abandoned. The allies so far assumed the right of intervening in the internal affairs of particular states, as to declare in a secret treaty their purpose "to put an end to the system of representative governments" in Europe, and to adopt measures to destroy "the liberty of the press." In the execution of that policy, which also assumed "to repel the maxim of rebellion, in whatever place and under whatever form it might show itself," the popular movements in Italy were crushed, and, in April, 1823, France undertook, in the name of the allies, to invade Spain for the purpose of restoring the absolute monarch, Ferdinand VII., to the throne. Such was the prelude to the declaration made to the British government, before the summer was over, that the allies proposed to call a Congress for the purpose of overturning the revolutionary governments in South America, which the United States had recognized, and of setting up anew within their limits the discarded sovereignty of Spain. By that time, Castlereagh, who had always been favorable to the alliance, had been superseded by Canning, who resolved, in obedience to popular sentiment in England, to suggest to Mr. Rush, our minister at London, that the British Government would stand by us if we desired to resist the attempt of the allies to overthrow the Spanish-American governments, in whose fate we were so deeply interested. Great Britain had not yet recognized those governments, but her mercantile interests in them were hostile to their re-subjection to the yoke of Spain's restrictive colonial system.

When Canning's suggestion was communicated to President Monroe, he lost no time in submitting the matter for advice to the ex-Presidents, Madison and Jefferson, both of whom viewed the substance of it with favor. Jefferson went to the heart of the

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whole matter, when he replied: "Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. * * * While the last (Europe) is laboring to become the domicile of despotism, our endeavor should surely be to make our hemisphere that of freedom. One nation (Great Britain), most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. By acceding to her proposition we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at a stroke. * * * Great Britain is the nation which can do us the most harm of any one or all on earth, and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship, and nothing would tend more to knit our affections than to be fighting once more side by side in the same cause"—a sentiment lately reiterated with great force by Mr. Chamberlain.

Mr. Jefferson certainly had no prejudice against an alliance with Great Britain, even if it should lead to a joint war against the rest of Europe.

After he had been duly advised, President Monroe made the memorable declaration contained in his message of Dec. 2, 1823; and that, coupled with the declaration made by Canning to the French Ambassador on the 9th of the preceding October, resulted in completely frustrating the design of the allies to reestablish the sovereignty of Spain over the South American republics.

Only with slow and timid steps have American statesmen advanced to a full and clear comprehension of the real meaning of this momentous transaction, which had to be interpreted in the light of our after history. Professor Lawrence, in his "International Law," dimly indicated the result of Mr. Monroe's declaration when he said: "the position of the United States on the American continent is in some respects like, and in others exceedingly unlike, that which is accorded in Europe to the six great powers. * * * If it be true that there is a primacy in America, comparable to that which exists in Europe, it must be wielded by her, and by her alone." Ever since the making of the Treaty of Westphalia, the European concert has claimed and exercised the right of intervention in the affairs of any particu-

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lar state or states, whenever the maintenance of the balance of power has seemed to require it. As the sole power capable of exercising that kind of an overlordship in the affairs of the New World, the United States has, in two recent cases, so asserted its right of intervention as to put it at last upon a clear and definite foundation. In the Anglo-Venezuelan controversy, President Cleveland firmly and wisely declared our right to assume jurisdiction over a controversy as to boundaries between a European state and an American state, and to enforce our award against one or both, by force of arms, if necessary. The calm and just spirit in which Great Britain accepted this assertion of our right of intervention did credit to her statesmanship, and laid the foundation for the present good understanding which her then graceful concession made possible. When our interference in the affairs of Cuba could no longer be avoided, President McKinley wisely and consistently invoked, in the same way, our right of intervention, and applied it to that case in the form in which the facts warranted. Our collision with Spain in 1898 was, indeed, in one aspect of it, simply a rehearsal of the transaction of 1823.

All who are familiar with the diplomatic history of our recent war with Spain, know very well that, as the time for the conflict approached, the house of Austria, interested as of old in the Spanish succession, made a vigorous attempt to revive the Holy Alliance, by drawing the European powers into a concert that was expected to dictate to us just what we could and could not do in Cuban affairs. How the first carefully matured effort in that direction was detected and frustrated at the critical moment, it is not for me to discuss at the present time; but all the world knows that, when the scheme was renewed, it was at last finally broken down by Great Britain's unmistakable intimation that, if such a Continental combination should be formed, she would stand shoulder to shoulder with the United States. There never was a more remarkable case of history repeating itself. Without the help of Great Britain in 1823, the designs of the Holy Alliance in South America could never have been shattered; without the help of the same power in 1898, the designs of another incipient Holy Alliance could not have been frustrated. It is hardly necessary to suggest that, without England at our side, we would have been powerless in Cuban waters, in the presence of the combined fleets of Continental Europe.

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In the light of recent events, we should therefore be able to settle the two gravest questions involving the future of our foreign relations. First, there should be no further controversy as to our right of intervention in the affairs of this hemisphere, since it has been frankly and fully admitted by the greatest of the European powers, and the only one who now possesses any considerable portion of the soil of the New World. Second, we should no longer hesitate to accept the advice given by Mr. Jefferson in 1823 to "sedulously cherish a cordial friendship" with Great Britain, as "the nation which can do us the most harm of any or all on earth, and with her on our side we need not fear the whole world." Wise men on both sides of the Atlantic seem to agree that the desired end will be attained if the two great branches of the English people bind themselves together in what is generally termed a moral alliance. As Mr. Dicey has happily expressed it: "We are aware that at this moment England and America, if allied, or even if on terms of equal friendship, without actual alliance, can control the course of the world's history. Together we may be masters of the sea; and to have control of the sea means absolute security against foreign attack." With an international tribunal of arbitration established between Great Britain and the United States, there would be but little danger of an actual rupture between the two nations.

With England firmly by our side, there is no reason why we should not deal wisely and without pressure with the grave problems now pending for solution in the Atlantic and Pacific. As we have followed the political experience of the mother country in everything else, there is no reason why we should not learn from her how to build up and manage a colonial empire, if destiny has decreed that we shall have one. In that domain Great Britain has been eminently successful, because she has been wise enough to devise an elastic system of colonial government, which she adapts to each new acquisition according to its special stage of development and its local wants and traditions. In that way her colonies represent almost every form of government, from that of the autocratic High Commissioner, who legislates for savage Basutoland by the issuance of proclamations merely, up to the complex Federal union under which the self-governing communities of Canada control their destiny, with scarcely any interference from the parent state. Great Britain does not pretend to extend the

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full rights of British citizenship to all of her colonists. The right of self-government is limited to colonies in the temperate zone—in India and the crown colonies the constitutional doctrines that secure the right of public meeting and the freedom of the press do not exist. The question is, whether under our less flexible Constitution we can govern colonies effectively without running the risk incident to the admission of distant and alien peoples to full citizenship.

There are but two conditions under which we can govern new territory prior to its admission as a State. When such territory happens to be conquered and a purely military occupation is established, the limits of the Union are not thereby enlarged. Not until a treaty of peace has confirmed the right does the new territory become a part of the national domain to which it is then annexed. During this first or military stage, the President, as Commander-in-Chief, can provide for the security of persons and property, and for the orderly administration of justice, through a military government, which may either set aside pre-existing laws or continue their enforcement, subject to all necessary modifications. No crown colony of the British Empire possesses a more complete form of government than the President of the United States can organize as Commander-in-Chief. Second, when the territory annexed has passed under the jurisdiction of Congress, that body can govern it either through laws operating directly upon it, or through a territorial government expressly created for it. Excepting only the right of representation in Congress, there is no substantial right of local self-government that such a community does not enjoy. There is, therefore, really no good reason to doubt that all pending problems may be solved through the constitutional means at our command.

Whenever the question is asked, "What is to be done with Cuba?" the answer comes that the whole matter was settled in advance by the declaration made by Congress when the war began, that the contest would be carried on with no other motive than to secure the complete political independence of the island from Spanish dominion. When that assurance was given, the best friends of Cuba in the United States, the writer included, honestly believed that the Cuban republic was a reality, an organized and self-sustaining force that would be able to guarantee peace, order and law when the sovereignty of Spain should be over-

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thrown. No good can now come of clinging to illusions, for everybody knows that, as the war progressed, the truth was disclosed that the moral and physical power of the Cuban republic rested only upon the battered fragment of a patriot army, wasted by hunger and disease, which has no adequate power to grapple with the task of pacification, even if that task were thrust upon it.

To recognize immediately the complete independence of Cuba the moment the evacuation by the Spaniards is completed, would certainly result in remanding the unhappy isle to a state of confusion almost as great as that from which it has emerged. If the promise given by Congress ever contemplated such a thing, it now appears to have been improvident. As Mr. James Bryce, England's scholar-statesman, has lately expressed it: "Declarations honestly made sometimes turn out, through intervening events and altered conditions, very hard to put in force." And yet, no matter how difficult it may be to put our promise to the Cuban people and to the world in force, it must be performed. Only the time and manner of its performance remain absolutely within our control. Our own repose, no less than that of the Cuban people, peremptorily demand that the reign of peace and law shall be so completely re-established throughout the island that agriculture and commerce may be revived, and the administration of justice re-established upon such a firm foundation that all property rights of natives and foreigners shall be secure. To bring about that state of things, something more will be necessary than a mere military *régime*, although such a *régime* may have to be employed for a time in order to hush discord, and in that way make possible the establishment of a settled system of territorial government. When such a system is established its administration should be committed to a set of officials far superior in character and capacity to those to whom our territories are generally assigned. Only through the maintenance of a liberal *régime*, political and commercial, that will promote the general welfare of the island, as well as our own, can we convince the Cuban people that their true interests lie in a closer relation with the one country without which they cannot exist. Industrially, Cuba is a great sugar estate, and that product, which represents eight-tenths of the exports, can now be sold only in the ports of the United States. If we shall encourage and develop the growth of Cuban industry and commerce, and maintain a firm and liberal

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system of law and order, the immediate consequence will be a very large immigration into Cuba from the United States. Only by a peaceful conquest of that kind can we ever hope to make of the island a permanent and stable element in our national life. That process should be permitted to work itself out fully under a territorial system, before the Cuban people shall be called upon to pass finally upon the momentous question whether they will enter into the Union as a state, or attempt to set up an independent nation, with all the perils incident to such a venture. There is no good reason to believe that there is any radical difference of view between the leaders of the two great parties, so far as the disposition to be made of the West Indian Islands is concerned. The recent utterances of certain State Conventions make it plain that the Democratic party does not propose to diminish its prestige, or to weaken its influence, by failing to discharge its full duty to the nation with respect to Cuba and Porto Rico.

The disposition to be made of the Philippines involves a problem of a radically different character, as to whose solution Republicans and Democrats will differ, no doubt, for a long time to come. The most remarkable thing, perhaps, that has occurred in the course of our rapid expansion, has been the growth, within the last fifty years, of that part of our country that lies between the Mississippi River and the Pacific Ocean. When we remember that, as late as 1852, the only States west of the Mississippi were Louisiana, Texas, Arkansas, Missouri, Iowa and California—the last named representing only a string of mining camps centering in San Francisco, then a rough frontier town; that Oregon, Washington and British Columbia contained only a few scattered settlements and trading stations, with practically no exports but furs; that, as late as 1850, there were no telegraph lines and only eighty miles of railway in operation west of the Mississippi; that substantially all the shipping of the United States was then owned east of that river—it is hard to believe our eyes when we look upon the scene that confronts us to-day. And yet, startling as the transformation has been, all that has happened was clearly foreseen and foretold by a great American statesman, who was the first, perhaps, to comprehend clearly in his day the possibilities of the near future. As early as 1846, Mr. Seward, in a letter published under the title, "We Should Carry Out Our Des-

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tiny," began to prophesy; and, in a speech, made in the Senate of the United States in 1852, upon the question of American commerce in the Pacific, he said: "The discovery of this continent and of those islands, and the organization upon their soil of societies and governments, have been great and important events. After all, they are merely preliminaries, a preparation by secondary incidents, in comparison with the sublime result which is about to be consummated—the junction of the two civilizations upon the coast and in the islands of the Pacific. * * * Henceforth, European commerce, European politics, European thought and European activity, although actually gaining force, and European connections, although actually becoming more intimate, will nevertheless, relatively sink in importance; while the Pacific Ocean, its shores, its islands and the vast region beyond, will become the chief theatre of events in the world's great hereafter."

We have not only annexed the Hawaiian Republic and laid violent hands upon a part of the Philippines, but we have so extended our commercial relations beyond the Pacific that it appears that, "as respects number of residents and volume of trade, the United States has larger interests in China than any European power save England," and economists are seriously discussing our prospects for securing a part of the trade of Manchuria, now rapidly developing under Russian influence. Thus, in a commercial way, we have only become deeply concerned in the fate of the ancient empire about to be partitioned between England, Russia France and Germany. We may not desire a single foot of Chinese territory, but we are deeply interested in the maintenance of our treaty rights, through which equality of trading privileges is secured to us. Thus it clearly appears that Mr. Seward's dream has suddenly ripened into reality; we are now not only in the islands of the Pacific, but far beyond, dividing the commerce of China with the European nations. A certain part of our population, who might be called Tories, deem it their duty to fly into a passion and then hurl the epithet of "jingo" at any man who dares to open his eyes and admit what he actually sees before him. Another and more reasonable class deem it their duty to recognize existing conditions, and to deal with them in the same practical way in which we have disposed of like questions in the past. The only matter really at issue at the present moment is that involving the disposition to be made of the Philippines,

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provided we shall acquire the right to deal with them at all through the award of a joint Commission in which Spain has an equal voice. To the arbitrament of such a Commission, the President has submitted the fate of the Philippines under the terms of the protocol; so, no matter what claim the five American Commissioners may make, it can be promptly vetoed by their five Spanish associates. We can hardly hope even for the cession of the whole of the island of Luzon, except upon the payment of a certain compensation. If a treaty embodying such a proposal shall reach the Senate, what will be the voice of the nation? It seems more than probable that a majority of the Republican leaders, with the President at their head, will claim that the procession must not pause; that we must at once possess the Philippines, either through the payment of some indemnity to Spain, or through a fresh appeal to the arbitrament of arms. On the other hand, it does not seem likely that a majority of the Democratic leaders can be brought to accept either alternative. Impressed as they may be with the historical fact that destiny has already irrevocably involved us with the affairs of the Pacific world, whose growing greatness can no longer be questioned, they will likely deem it prudent to accept Mr. Seward's advice, "to hasten nothing, to take time to digest one territory before swallowing another."

While Cuba and Porto Rico are passing through the process of digestion, we should prepare ourselves for the inevitable by cutting the Nicaraguan Canal and by developing the strength of our navy.

HANNIS TAYLOR.

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NOTES AND COMMENTS.

THE ZIONIST CONFERENCE AT BASLE.

"THUS saith the Lord, who giveth the sun for a light by day, and the ordinances of the moon and the stars for a light by night, who divideth the sea when the waves thereof roar; the Lord of Hosts is His name: If those ordinances depart from before Me, saith the Lord, then the seed of Israel shall cease from being a nation before Me for ever."

Deathless nation! Deathless destiny!

From the realization of traditional hopes have been birthed a modern Germany, a modern Italy, a modern Greece. "In the realization of traditional hopes, hopes which come down to us from the hoary past, hopes which have nerved us, which have inspired us with patience to bear and with courage to die, a new Palestine shall be born," shout the Zionists of to-day.

Never has History seen such a gathering as that which assembled on the banks of the Rhine, in the old city of the three kings, on the twenty-eighth of last August.

Hundreds of delegates from all parts of the world were there to discuss plans carefully prepared for the rehabilitation of the deathless nation. But unlike the assemblies which origined all the great powers of to-day, unlike all the movements whose visible results are a free Holland, a humiliated Spain, a Germany and an Italy and a Greece, never once was there spoken a word to hint appeal to sword, to vomiting death-tube or to any of war's cursed furies. "Not by might nor by power, but by My Spirit" seemed to be the hidden but majestic force which pulsed the hearts and quickened the tongues in that matchless assemblage whose members hailed from Europe, Africa, North and South America and Australia.

Wonderful was the enthusiasm. Yet it differed from that which drove the followers of a Theudas or a Bar Cochba to dare the might of Rome in mad effort to make their nation free. It differed from that which caused thousands whose hearts yearned for Messiah to end their woes, to pin their faith to such adventurers as a David Reubeni and a Solomon Molcho in the sixteenth and to a Sabbatai Zebi in the seventeenth centuries. For at Basle there was no mad despair to bid men grasp the weapon, and there was no thoughtless ignorance to move them to unreasoning folly. Instead there was a holy love of peace, a consciousness that Time's wheel would bring the laggard Justice to the side of the Jew, a calm, cool, calculating wisdom, a courage to correct any move proved false by experience, a wonderful patience, a far-seeing political conception, a determination to succeed. For was not the weal of the world wound up in the realization of the national hopes which mean Zionism, as portrayed in the Holy Book of Inspirations?

Intense was the interest when the President, Dr. Herzl, opened the con-

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gress with his address. Admirable was the tact with which he swept away the objections which have caused so many patriotic Hebrews to hold aloof from his movement, for indeed to him belongs the honor of its inception. "The same people who reproach us that Zionism creates new barriers between mankind, find fault with us for aspiring to the friendship of Christian Zionists. But for us it is not only a mere question of opportunism when we press the hand so cordially stretched forth to us. It testifies above all that Zionism possesses a power for reconciliation. . . . We hold firm to our Judaism. . . . We are ready to bring about the reconstruction of Judaism; we have everything in abundance, men, material, and plans. What we require is the soil. . . . No one will deny that there is an unbreakable connection between our people and this land. If there be such a thing as a claim to a part of the earth, all peoples who believe in the Bible must recognize the right of the Jews to Palestine, and they can do so without envy and without fear, for the Jews are not a political power and never will be one." . . . A sketch of the plans followed and his speech closed amid earnest applause proclaiming loyalty to the plans and personal regard for him. After the adoption of "Order of Procedure" Dr. Max Nordau ascended the tribune. It was the author of Degeneration preaching Regeneration. For his theme was the regeneration of all legitimate Jewish hopes. Brilliantly he reviewed the condition of the Jews in all lands. Most poetically he spoke of Zionism's awakening of Judaism to new life. . . . "Judaism is Zionism and Zionism is Judaism. . . . In our camp is Israel, in the other dead limbs, he exclaimed, parodying the words of the poet Grillparzer.

Then followed the reports of the committees appointed at the conference of the preceding year—the first ever held. From them we learn that there are 913 Zionist societies, that there is a cash balance of over 60,000 francs in the treasury, and it was made known that that the first year's income was about £12,000, which at the rate of a shekel for each contributor means about 250,000 adherents. And this after so short a life; for this is but the second year of organized Zionism!

At the next day's session it was announced that 335 telegrams and 130 letters had been received. Then the "Programme of the Movement" and "Colonization" reports were taken up. On the third day, the report on "the Colonial Bank" was discussed and the following recommendations were adopted—recommendations which merit careful study and which cannot but provoke admiration.

1. Under the name "Jewish Colonial Bank" a bank shall be founded which shall be under the supervision of a Corporation to be appointed by the Congress. This body shall be charged with the promotion or the foundation of the following enterprises, in so far as they will yield a profitable revenue:

1. Creation of industrial establishments, both of Insurance and Shipping Companies, in the East (the words "especially Palestine and Syria" were subsequently added) for the purpose of utilizing Jewish labor.
2. The support of Jewish Agricultural Colonies by guaranteeing loans to colonists against mortgages, securities or bills, and by the purchase and parceling of land, etc.
3. Organization of export and import trade in Syria and Palestine by support of commercial undertakings.
4. Acquisition of concessions for construction of roads, harbor works, mines and trade monopolies in the East.
5. Establishment of, or partnership in, banks for the above-named objects.

2. In addition to these enterprises, the Bank is empowered temporarily to utilize its funds for profitable undertakings of such a character that they shall not be locked up for any length of time.

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The details will be settled by the Preparatory Committee.

3. All speculative business is on principle excluded.

4. The Bank shall, according to circumstances and practicability, establish branches in different countries.

5. The Bank shall be founded with a capital of two million pounds sterling, in shares of one pound sterling each. On the establishment of the Bank the Preparatory Committee is empowered to issue these shares in part only, in proportion to the number applied for.

6. The seat of the Bank is London.

7. The Preparatory Committee shall settle the constitution and management of the Bank with due regard to the draft Statutes and to the wishes expressed by the Congress, and shall, in agreement with the Executive Committee of the Zionist Congress, make these the basis of the Bank.

8. The Congress approves the election of a Committee of nine members to make preparations for the establishment of the Bank.

This Committee is empowered to co-öpt other members in all countries, with the view to the formation of an enlarged Committee, which shall organize the subscription. The Committee of Nine has authority, under supervision of the Executive Committee of the Zionist Congress, to adopt measures which are desirable or practical for the foundation of the Bank.

The colonization report was then concluded, and a paper on Jewish culture was read by Dr. Ehrenpreis, for the Hebrew language and literature is among the dearest ideals of Zionism. A ringing speech from Dr. Gaster, the Haham or ecclesiastical chief of the Sephardic Jews of England, practically concluded the conference; for the remaining proceedings were formal. With the addresses of Dr. Rülf calling for *Hochs* for Drs. Herzl, Nordau, Gaster and Mandelstamm, with the expression of the thanks of the delegates to the managers by Strelitzki and with Dr. Herzl's acknowledgements, the second Zionist conference became history.

And the meaning of it all?

That the deathless nation is saying to the world, Come and help on the realization of Zionism, for Zionism means the realization of the great and grand ideals of the Bible for mankind's benefit. For it means the establishment of a court of arbitration for the settlement of nations' disputes, with the nations pledged to enforce the court's findings. It means a quickening of religious sentiment consequent upon the fulfilment of Bible teachings, a deeper consciousness of God in human affairs, since it can only be God who brings about the revival of any nation "not by might and not by force, but by His Spirit." In a word it means a mighty step forward towards the brotherhood of man and the Fatherhood of God.

Two points sometimes alleged against Zionism remain to be noticed. The one, that any appropriation of Palestine against Turkey's will must mean violence. The answer is that only by the Spirit of God do the Hebrews hope to have the land given to them. By mutual consent of all the great Powers, and among them Turkey, do the sons of the deathless nation hope to see their dreams realized.

The second point is that many Jews are opposed to what they call "political Zionism," by which they understand that all Jews in all lands will owe political obedience to Palestine and therefore cannot be citizens of the land of their adoption. To this the efficient answer is that they will owe only spiritual allegiance to Palestine, just as Catholics owe spiritual, and only spiritual, allegiance to Rome; that they will owe temporal allegiance, *i. e.*, obedience to all the laws of their adopted country, just as Catholics owe and

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give allegiance to the temporal laws of the country of their adoption. The destiny of the Jews is only a spiritual one. This destiny and the fact that Hebrews are to reside in all parts of the world are perhaps sufficiently indicated in a Zionite song with which I close this contribution, a song which, whether sung by Englishmen to the air of their national anthem or by Americans to "My Country, 'tis of Thee," will perhaps appeal to its readers and tell the world the heart-thoughts of Zionism.

"God, we implore of Thee
End Zion's misery.
Send her Thine aid!
Send Thou her sons to heal
Wounds which the years reveal,
Woes which at last in weal
For aye shall fade!

"God, loving, tender, good!
As if in widowhood
She weeps for Thee!
Be once more reconciled,
As father pities child
Pity her grief so wild
She weeps for Thee!

"Now bid her weep no more,
Do Thou her sons restore—
Love-gift from Thee!
Make those who still would stay
In other lands obey
Thy holy law that they
World-priests may be!

For some by Thy command
Must live in ev'ry land
To make Thee known!
"Priests to the world are we,
This is our destiny,
For all shall bend the knee
To Thee alone!"

H. PEREIRA MENDES.

POSTAL CURRENCY.

CONVENIENCE in small things makes possible a great business. A busy man hesitates to buy a post office order. He is averse to subjecting himself to the annoyance of going to the post office, perhaps standing in line, to wait his turn, or at least to wait while the money order clerk writes and punches various slips of paper. Therefore, when occasion arises for the transmission of a small sum of money through the mail, he casts about for some more convenient method.

Assuming that the law of the unit is the law of the mass, let us put ourselves in the place of the average citizen, and from his standpoint view the matter. Perhaps he owes a friend a small sum of money, less than $5.00; possibly he desires to order some article he has seen advertised, or to subscribe for a favorite newspaper or magazine, or to secure some book not kept in stock by his local stationer. The first question prominent in his mind, after determining to make the remittance, is, "How shall the money be transmitted?" If he be possessed of much leisure time, he may determine to drop in at the post office some convenient day and purchase a government postal note; but if he is busy, and anxious to finish up the matter while he has it in mind, he will at once cast about for some way to send the money, without subjecting himself to the inconvenience of the present method.

Postage stamps offer a means, if he is fortunate enough to have them in stock. Lacking a sufficient quantity of these, he may cut, in a piece of pasteboard, holes large enough to accommodate some silver coin, and inserting the pieces therein, bid his money an affectionate farewell, with a hope that it will reach its destination safely. A check on his inland bank may suggest itself. This is a convenient method for him, but when the recipient undertakes to realize from a small check of $1.00, $2.00 or $3.00, the toll for collection seems heavy, and comes out of the wrong pocket.

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If of a persevering turn of mind, he may follow up the subject until he accomplishes his desire and sends the small sum of money in one form or another, but many of the less persistent will postpone the day of trouble, or abandon entirely the idea of making the purchase contemplated. The difficulty surrounding the procurement of safe money for transmission through the mail is so pronounced that it very seriously affects all businesses in which small accounts appear.

The manager of one of the large metropolitan papers writes: "We are losing money constantly on account of the immense quantity of stamps we have to take in payment of bills, and these must be sold at a discount. We hope for some solution of the question which will tend to do away with what is now an unmitigated nuisance." A magazine publisher writes: "I have just now been handed a bill for a considerable amount of money required in payment for some punctured cards which we send to correspondents in which to remit coin." A prominent manufacturer writes: "I am satisfied we fail to sell three-fourths of those who would send us money if they could do so without the trouble of securing postal notes."

Seeking a remedy, the first and most prominent point presented is the need of some form of money which the average citizen is likely to have near at hand, and which can be instantly transferred from a negotiable piece, into a piece of exchange payable only to the payee, whose name may be written in ink by the sender. We have seen that the loss of business under the present method, and the general cause of complaint are because of the trouble in obtaining safe money.

Convenience, then, is paramount; safety in transmission is secondary. This is shown by the thousands of cases where individuals enclose negotiable bank notes in letters, preferring to run the risk of loss rather than subject themselves to the annoyance of obtaining government money orders. It is difficult to form a reasonable estimate of the amount of toll lost by the government annually, from remittances sent outside of the government postal note plan. Those who receive large aggregate amounts in small sums, variously estimate that from three to twenty times more money comes in what might be called irregular ways, than in the ordinary government postal notes, and yet between $170,000,000 and $200,000,000 in money orders are sent through the mails each year, at an expenditure for clerk hire of nearly $700,000 per year.

The Post Cheque, which is being urged upon the Treasury Department, the Post Office Department, and Congress, by a considerable number of prominent business men, is in the form of paper currency, to be issued in five, ten, twenty-five and fifty-cent pieces, also in one, two and five dollar notes, handsomely engraved, with about three-quarters of the face left blank, with spaces in which to write the name of the person to whom it will be payable, his city and State, also a space for the name of the sender and the signature of the receiver.

It is proposed to make this actual money for every-day circulation, and the plan is to issue fifty million dollars in Post Cheques. When this form of fractional currency gets into the hands of the people, it is thought that the first difficulty in the present problem of transmission of money through the mails, that of inconvenience, will be solved, and the individual who decides to make a small purchase can, at the instant his decision is reached, prepare his money for safe transmission. Out comes his pocket-book, and the necessary notes, which up to this time have passed from hand to hand

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in the various business transactions, are now, by a few strokes of the pen, transformed into safe exchange, payable at any post office. A one or two-cent stamp is to be affixed to the lower right hand corner of the piece of money for the government fee, and the signature of the sender is to cross this stamp and thereby cancel it.

Each individual is his own clerk, and is required to do no waiting, nor subject himself to any inconvenience in procuring a safe form of transmissible money. This last feature, in itself, would mean a saving to the government of clerk hire, in the aggregate, of $700,000 per annum, and while the total would be less on the individual transaction, an increase in the aggregate receipts of the government is expected, owing to the fact that practically all transactions by mail would, under the Post Cheque plan, pay a toll, whereas under the present plan, it is only the minority of such transactions that the government reaps any benefit from. A two-cent stamp is considered of less value by the average man than two pennies. He does not hesitate, by reason of the question of cost, to expend a two-cent stamp in making his money payable to the person to whom he remits it, and safe from thievery. Instances will occur where two or more Post Cheques will be required to exactly cover the sum desired; that is to say, if one wished to send $2.50, a two-dollar Post Cheque or two one-dollar cheques would be required, together with a fifty-cent cheque.

It is proposed that the fee on the notes under $1.00 shall be one cent each, and from one dollar to five dollars, two cents each. When these Post Cheques are received by commercial houses, they are indorsed and deposited in the bank, as is usual with government money orders, the bank clerk taking the receipts of the day, of that particular form, to the post office for redemption. The notes are then cancelled and the bank clerk or other individual presenting them for payment will receive new blank and negotiable Post Cheques in payment therefor. By this process, the notes are kept fresh and clean, as is the case with the Bank of England notes. An embargo is at present placed upon that portion of the business of the country which is represented by small remittances, and it is estimated that the volume of such business must exceed one billion dollars per year, of which the government handles but a small proportion in the way of government postal notes. It is reasonable to expect that if the embargo is removed, and convenience takes the place of difficulty and inconvenience in method, a very considerable increase will be the result.

C. W. POST.

THE CANADIAN PLEBISCITE.

THE plebiscite on prohibition recently taken throughout the Dominion of Canada was a new departure in Parliamentary procedure. There is no precedent for it in the annals of English legislation, and none that I am aware of in connection with Parliaments in other English-speaking countries patterned after the British model. In its earlier stages, the plebiscite movement also made an inroad on the usages and traditions of Government by means of Cabinets, and it would have led to a further inroad on these usages, or to a complete reorganization of the Laurier Cabinet, had the vote in favor of prohibition been sufficiently large to be accepted by the Government as a mandate for legislation.

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Prohibition has long been agitated in Canada, and often discussed in the Provincial Legislatures and in the Dominion Parliament. Its advocates are not confined to either one of the political parties; although in recent years they have been most active and most successful in making their influence felt in the Liberal party. In 1889, when the Conservatives were in office at Ottawa, there was carried in the House of Commons a resolution declaring that it would be expedient to adopt prohibition when the public sentiment of the country was ripe for the reception and enforcement of such a measure. This non-committal resolution was of little practical value. Its chief significance now is that it shows that in the past the Conservatives, like the Liberals in more recent times, were afraid of the prohibitionists and indisposed to take any firm stand against them.

From 1889 to 1894, the prohibition question was more prominent in Provincial than in Dominion politics; and, in this period, five of the eight Provinces voted in the affirmative at plebiscites taken at either the Provincial or the municipal elections. But in no case did a plebiscite lead to a prohibition enactment. The Governments in the Provinces took the ground that for the Provinces to legislate for the total prohibition of the liquor trade would constitute an interference with the rights and powers of the Federal Government with respect to taxation. In 1893, the prohibition movement again became prominent in Dominion politics. Delegates representing the Liberal party in the several Provinces met in that year in National Convention at Ottawa, to draw up a programme on which the Liberals, then in Opposition, were to go into the General Election at that time thought to be impending.

The Ottawa Programme was patterned after the Newcastle Programme, of which much was then being heard in England. It embodied half a score of legislative demands to be acted upon should the Liberals secure a majority in the House of Commons. In the closing hours of the Ottawa Convention, after the principal business had been discharged, and many of the delegates had departed, the prohibitionists availed themselves of the opportunity to add an item of their own to the programme. It set forth that as public attention was at that time much directed to a consideration of the great evils of intemperance, "it was desirable that the mind of the people should be clearly ascertained on the question of prohibition by means of a Dominion plebiscite."

The General Election, thought to be imminent in 1893, did not take place until 1896. Between 1893 and 1896 there was no other National Convention of the Liberals, and no opportunity of revising the Ottawa Programme. Sir Wilfrid Laurier and his colleagues of the Liberal Opposition accepted it as their programme in the election, and after they were in a majority in the House of Commons at Ottawa proceeded to fulfill the pledges embodied in the Programme of 1893. In its turn the plebiscite pledge was fulfilled; for the prohibitionist leaders were alert, active and insistent from the time the new Government took office. It is now known that at least four members of the Laurier Government, including three who are of the Cabinet, are opposed to prohibition. But notwithstanding this opposition to prohibition on their part the Plebiscite bill was introduced into Parliament, as a Government measure, one for which the Cabinet was responsible; and its general lines were determined upon at a caucus of the Liberal members of Parliament.

At this stage the Anti-prohibition members of the Ministry offered no

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opposition. They were active parties to the plebiscite bill, and to the measure appropriating $250,000 to defray the cost of taking the vote. As soon, however, as the plebiscite campaign began, the Anti-prohibitionist members of the Ministry openly opposed prohibition; and from the platform, or through the press, counselled their supporters in the Quebec constituencies to vote in the negative at the plebiscite. One of these anti-prohibitionist Cabinet Ministers made the statement at a public meeting that, although the Government in a moment of weakness had agreed to the Plebiscite Act, there would be no prohibition law.

Only one member of the Cabinet took sides with the prohibitionists in the Plebiscite campaign. This was Mr. Fisher, the Minister of Agriculture, who while one of his colleagues of the Cabinet was telling the electors there would be no prohibition law, that in short the whole prohibition business was a humbug, was urging his hearers to vote for prohibition, and assuring them that the Government would pass a prohibition law, if the popular vote was in the affirmative. The Government, neither in the Plebiscite Act nor in the debates in Parliament which preceded it, had given the slightest intimation of what it would regard as an affirmative vote, one affording a mandate for legislation.

Since Cabinet Government, and Cabinet responsibility for legislation introduced or sanctioned by Government, became established in England, and was transplanted from England to British Colonies all over the globe, there never was such a spectacle as was witnessed in Canada during the closing weeks of the plebiscite campaign. The situation would have been more absurd had the vote in favor of prohibition been sufficiently large to demand a prohibition enactment. Then at least three members of the Laurier Cabinet would have had to resign, or Canada would have broken away entirely from the Cabinet system, as it exists in England. With four members of the Ministry denouncing prohibition and insisting on its impracticability, it is difficult to see how without a complete reorganization the Cabinet could have sanctioned a prohibition bill, and still remained a Cabinet within the accepted meaning of the term, as it is used in England, and as it has been hitherto accepted in British colonies with representative institutions like those of Canada.

A good definition of a Cabinet, and one generally accepted in England, is that given by Mr. Traill in his volume on "Central Government," in the "English Citizen" series. He there describes the Cabinet as necessarily consisting of "members of the legislature, of the same political views, and chosen from the party possessing the majority in the House of Commons; prosecuting a concerted policy, under a common responsibility to be signified by collective resignation in the event of Parliamentary censure; and acknowledging a common subordination to one chief minister."

The members of the Laurier Cabinet might have held the same political views when they sanctioned the introduction of the plebiscite bill to Parliament. They were then, no doubt, in agreement that an awkward campaign pledge had to be fulfilled, even if they were not in agreement as to the principle of prohibition. But for a ministry so openly divided on the question to have sanctioned a prohibition bill in response to a mandate given through the plebiscite, would have brought contempt on the principle of Government by Party, and made an inroad on it which it could hardly have survived.

From beginning to end there was an air of insincerity about the

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plebiscite and a trifling on the part of the Laurier Government with representative institutions and long established constitutional usages. The Canadian people realized this, and rebuked it by refusing to take part in the farce that the Government was playing.

EDWARD PORRITT.

THE SCIENCE OF HOME MANAGEMENT.

THE home of to-day is different in almost every essential feature from the home of feudal times, to go no farther back. To this day, curious survivals of that time of man's fighting and woman's isolation linger in our current thought and speech, in spite of the incongruous circumstances of our lives. Then, in a very literal sense, a man's home was his castle; and the castle with its domains was woman's realm. There was no safety for the weak and defenceless except within the walls. Plunder and rapine and bloodshed reigned without. Very gracefully they wander in and out of the pages of the old romances of that time, those fair ladies, richly attired, gracefully veiled, riding their snow-white palfreys, escorted with much ceremony through their castle gates. But the castle walls have been leveled. The moat and drawbridge have disappeared.

A man may still speak metaphorically of doing battle with the world, in protecting those who are sheltered in his home; but, in point of fact, he ceased centuries ago to make fighting the chief business of his life, or to erect barriers between his family and the outside world. He builds his home against his neighbors' walls on both sides. He places at the door an electric button which is the *open sesame* to all who wish to enter. He joins forces with thousands of other men whose names, even, are unknown to him, to bring water from a common source into his home and theirs. Fuel, as well as water, is secured from common reservoirs by combination instead of by capture. The flaming torch is superseded by gas and electricity. The lord of the castle has so completely destroyed the isolation of his home, that he causes all the elements to pass freely through it and through thousands of other homes in connection with it, and so has inextricably interwoven the comfort or distress of his own family with that of the entire community.

In the old days, when a man's home was his castle, his wife watched him sally forth in the morning on his goodly charger, surrounded by his retainers, all in full armor; then she busied herself with the preparation of food which their comprehensive appetites would require on their return. She brewed "simples" from herbs, to be used in case of sickness. Spinning and weaving and knitting and netting and embroidery filled all her leisure hours. She was industrious, very industrious, this fair, serene, great-grandmother of ours. But her distaff and spindle are kept in a glass case in the museum now, and her great-granddaughter goes out into the world to traffic in great, close, crowded stores, buying the clothing for her household which was once so quietly made at home. She goes to market, too, and brings home vegetables and fruits whose names were never heard in the old castle days. She learns to cook, and produces such combinations of foods as were never dreamed of by her soundly sleeping ancestors. She is confronted all the time by spectres of disease and death which glide in through all the avenues of modern conveniences, and the "brewing of simples" is powerless to exorcise them. The human body has become sensitive with its

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better housing, more careful clothing, more varied diet, more highly cultivated mentality; and she must carefully study its composition, its weaknesses, its recuperative powers, and learn to meet by diet, by recreation, by intelligent care, the waste of tissue which the stress of modern life inevitably and unceasingly brings.

Her care of her family is conditioned in every direction by municipal regulations, which govern her supply and use of the commonest necessities of life. The modern home life is so interwoven with the modern civic life that it is impossible for a woman to be, in any real sense, queen of home without some power in the regulation of the affairs of the city in which her home is placed. Even in the material things of food and drink, and the carrying away of refuse, this is true. It is even more true in the education of her children, and in all that affects the higher, more subtle, atmosphere of the home life. The privilege of seclusion, exemption from responsibility in the conduct of affairs, is no longer her prerogative. The commonest necessities for the most quiet life force her into the barbarous atmosphere of the electric car in such proximity to men, women, children, and parcels, as makes her conscious of the limitations of civilization, and robs a voting place of all terror for her. It is the new home, with its many and wide-reaching interests, its exacting demands, that is forcing woman into unwelcome contacts with the outside world of to-day. She who manages wisely and well her little household, including four children and one servant, in a city flat to-day, has need of more science, more philosophy, more wisdom, more grace, more true queenliness, than ever shone in the lordliest castle of old England or on the storied Rhine. It is because the new home with its complicated machinery and exacting life is so much in advance of the new woman that she, in her haste to make up for lost time, has grown nervous and hysterical and disheartened, inclined to flee for refuge to the hotel and the boarding-house. But the retreat is only temporary. Forces are gathering for such a conquest over difficulties as will make the new woman queen in fact as well as in name of the new home.

More intelligent, scientific, study has been given to the problems of the home in the last five years than in many decades before. The New Oikology is born of the knowledge gained by systematic observation, experiment and reasoning on these problems. Its literature is limited, and is found largely in scattered pamphlets and single articles. Helen Campbell's classified lists of books and articles on the various subjects treated in "Household Economics," are a revelation to many readers. It is a growing literature and is being eagerly read. Its departments of Sanitation, Diet, Education and Service correspond closely to the departments recognized in the old castle days as belonging to "woman's sphere."

I. Griselda learned to make effusions of herbs to be used in sickness. Griselda's great-granddaughter studies sanitation to prevent her family from being sick. Griselda was not expected to know how to read. That accomplishment was as rare in her day as a knowledge of the differential calculus is in ours. But Griselda's great-granddaughter goes to college, and later joins the Association of Collegiate Alumnæ and organizes the Sanitary Science Club and publishes pamphlets on Home Sanitation.

II. Griselda could cook. She cooked sometimes by rule, sometimes by luck. When the luck was bad, the household digestion became bad, and aching heads and irritable tempers followed in evidence. But the open air life of the time, with abundant physical exercise, gave robust constitutions.

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Tempests cleared away and left behind their records of "the gentle hand that soothes the aching brow" and of the restraining grace which can calm the angry passions of men. Griselda's great-granddaughter studies chemistry and physiology and hygiene. She declares that there is no more luck, good or bad, in the art of cooking than in the art of making armor plate for battleships. She counts it no more womanly for the gentle hand to soothe the aching brow, than for the gentle hand and trained head to produce so wholesome a diet that the brow will not ache in consequence of using it. She studies psychology and ethics, and counts the grace which leads a woman to study the laws of harmonious living to be as divine a grace as that which calms angry passions after they have been allowed to rise.

III. Griselda's care of her children was untroubled by consideration of such theories of heredity and environment as enter into her great granddaughter's conception of motherhood. The timid souls who feared, a generation ago, that the higher education of women would lead them away from home life and home duties, could not foresee how multiplying the sources of thought multiplies beyond computation the sources of feeling. The strongest touchstone of womanly character in any age is its attitude toward maternity. Never could that test be more successfully applied than to the educated women of America to-day. Never in all time has childhood held so large a place in affection, in reverent study, as it holds among thinking women today. The crowning glory of physical womanhood is physical motherhood. It is not given to all. The crowning glory of spiritual womanhood is spiritual motherhood—the brooding, sympathetic, giving of self that another may have more abundant life. It may be attained by all. Its prevalence may be traced not only in the higher ideals dominating individual homes, but in the kindergarten movement, in the child-study classes, in the Mothers' Congress, in the quickened interest in all phases and all grades of education. It has always been considered to be within "woman's sphere" for a mother to employ and direct the cook who prepares her child's food, the laundress who washes his clothes, the chambermaid who makes his bed and sweeps his room. The New Oikology makes the mother responsible for the choice of the teacher who during several hours of the day has almost unlimited power in training the child, and responsible for the condition of the building in which those hours are spent. There are many things which are generally conceded to be done better by men than by women. Taking care of children has never been included in that list. The father, away from home during a large part of the waking hours of the child, cannot know his traits, his tendencies, his needs, as the mother knows them.

The custom of putting the schools, which so largely shape the child's life, into the hands of men and the grasp of politics, out of reach of the influence of mothers, is a survival of an unlettered age. When public schools were first opened in New England, the Connecticut law declaring that "all children" were to be taught, was interpreted to mean all boys. We had a college for boys one hundred and fifty years before the public schools were open to girls for full time and for instruction in all the branches taught. Now, after a generation of the higher education of women, the phrase, "all citizens," is still interpreted to mean all men. It is an anachronism which has been corrected in some States, and which will, in years to come, be regarded with the same compassionate smile which now meets a statement of our ancestors' interpretation of the phrase, "all children." It is the

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quickened and educated mother-love which, more than any other one motive, is taking women into new lines of activity in the world to-day. The appointment of a woman to the office of City Inspector of Street Cleaning has caused wide comment. It may not be generally known that her interest in this sanitary work dates from the death of her child, of diphtheria caused by the infection of a garbage-laden alley.

The various forms of philanthropic work in which women are engaged react in time on their ideals of home life. In nothing is this more true than in the kindergarten movement, one of the most fundamental in its results of all modern manifestations of altruism. The education and experience gained by working together in new lines of activity tend to produce higher standards for individual homes. A few months ago a kindergarten teacher was poisoned by working with clay which the children had used in modelling. The effects of the poison were manifest and serious, not only on her hands, but on other parts of her body. It was evident to the directors of the school that clay which had once been used, worked into the pores of the fingers, had so received the secretions of the skin, and was unfit to be used again, especially by another person. This was merely for working with the hands. No one thought of chewing and swallowing the clay. The experience led to a consideration of common methods of bread making. Bread-kneaders are now finding a market in that town.

IV. Griselda directed the employments of her servants. They were born on the domain, or were fief with the soil, or were dowry for life. They knew no ambition but her service, no home but under her rule. To Griselda's great-granddaughter servants come from the ends of the earth, speaking strange tongues, bringing strange ideas, or none; and they go as irregularly and as unaccountably as they come. The New Oikology finds in the department of domestic service one of the most difficult problems with which it has to deal. It has been held to be so personal a matter in each household as to resent outside investigation. Until within the last five years very little has been done in scientifically co-ordinating and systematizing facts in regard to it. When we find that this department of activity employs about two millions of people in the United States, receiving wages amounting to nearly 300,000,000 of dollars annually; that the employment offices of a single city, New York, receive about 3,000,000 dollars annually in fees, we begin to realize how important an element of the general industrial problem is overlooked in the failure to include domestic service records among the statistics of labor. The financial element in the problem, large as it is, is insignificant in comparison with the influence of the service element in shaping the life of the home, even the life of the nation. A scientific study of diet, and its relation to strength and development, shows the cook to have far more power over the health of the family than the physician can have. The physician is called only after injury is felt. The wise cook, foreseeing danger, wards it off by strengthening the weak or threatened part of the organism. Happy the home in which strength of body and strength of mind and simplicity of life make it possible for the seer to be the doer of this noble service! For the multitude of homes which must look to the employment office for the supply of this and other forms of domestic service the outlook is appalling.

The changing conditions of home life require constantly higher and higher grades of intelligence in the service. To meet the requirements of this service, we find a multitude of untrained women with no comprehen-

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sion of the problems in whose solution they are to be the working agents; with no personal interest in improvement, because the demand for service is so much greater than the supply, of even an inferior quality, that they can easily secure regular employment and good wages, however inefficient they may be.

The census of 1890 reports 852,306 illiterate women and girls, of ten years of age and over, engaged in "gainful occupations." Of these 56.79 per cent. were engaged in agriculture, fisheries and mining. The next largest percentages of illiterates were found in "domestic and personal service," the numbers in this department aggregating more than 119,000. Under the heads of "Manufacturing and Mechanical Industries" and "Trade and Transportation" more than two thousand occupations are tabulated, in which 1,255,663 women and girls are engaged. The great majority of these occupations are simple and monotonous, requiring less than a tithe of the intelligence needed in domestic service. Yet, in these occupations the percentages of illiteracy were so small as to be insignificant. The average wage is lower than that paid for domestic service, if we count at its lowest market value the cost of board and lodging which is furnished the domestic employee, in addition to the stipulated weekly or monthly wage. Few occupations require so small an expenditure for clothing, and almost no other can give to a homeless woman the protection which the domestic employee finds in the home of her employer. It is generally conceded to be a most healthful employment. Yet the other occupations are crowded, while the demand for domestic workers is always greater than the supply.

The Committee on Domestic Reform of the Women's Educational and Industrial Union of Boston has given fifteen months of thorough, systematic work to the task of learning from hundreds of women their reasons for preferring the shop or factory to domestic service. Their report, published in April, 1898, is a valuable contribution to the New Oikology, in what it suggests as well as in what it tells. Only 20 per cent. of the women interviewed report any dislike of housework. Some consider it too heavy for their strength. The chief objections urged are the social stigma, long and indefinite hours of service, and the industrial isolation. A considerable number object to being employed by women, on the theory that women are less definite than men in making contracts and less exact in abiding by the terms of a contract after it has been made. This study of the problem of domestic service from the point of view of the employee has been made under favorable conditions, and with such care as leaves no room for doubting the accuracy of its results. The solution of the problem must await an equally full and frank report from the point of view of the employer.

Women's clubs, in all the larger cities, are organizing departments of Home and Education, for the earnest study of problems which only women can solve. In the last quarter of the century women have learned to combine their efforts for benevolent objects outside of home as never before. Would it be practicable for them to act in combination to secure certain advantages within their homes? Is it practicable to establish training schools in which the incompetent may learn to render efficient service? Would adequate training, and formal recognition of the value of the training, do for domestic service what it has done for the art of nursing—lift it from the rank of labor to the rank of a profession, and so remove the "social stigma"? Can domestic service be so specialized as to allow of the hours of service being shorter, and the requirements more definite? Can much

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of the work, such as sweeping, and cleaning in its various forms, be done by specialists who come at stated times, do their work and go to their next engagement, instead of living in the home of the employer? Is it practicable for the women of a city or town to maintain fixed standards of work and wages, by uniting to establish and control their own bureaus of employment for all departments of service? Affirmative answers to these questions would strike at the very root of that conservatism which clings to old ways for fear of the untried. It is true that employment offices conducted by irresponsible people give us unsatisfactory service. It is true that every department of the home suffers from lack of a grade of intelligence in its service which cannot be secured under existing conditions. It is true that, in the multiplicity of its cares, home sometimes brings more of weariness, more of anxiety, than of rest. Yet, even as it is, it enshrines what is most sacred in life.

While some question, others go forward. A few schools of domestic service have been established. The principal of one of the largest and best of these schools writes: "In our school we teach principally the young ladies who expect to have homes of their own, or who expect to instruct others. We prepare young ladies to teach in public schools and in normal schools. Positions can be obtained immediately for any number of graduates." In this school, as in others of its class, instruction is given not only in the art of cooking, but in the chemistry of foods, chemical elements of the body, chemical uses of food principles, chemistry of fuels, house sanitation, including plumbing, drainage, ventilation, gas fixtures, etc. A young woman who has taken a course of training in such a school can never be a helpless victim of the "improvements" in her own home, as some of her older and less instructed sisters have been. Departments of Household Economics have been established in some of our colleges and universities, notably in the University of Chicago and in the University of Wisconsin. Lectureships have been established in several other institutions. It is interesting to see that this movement, instead of finding its strongest support in women's colleges, as might have been expected, is confined almost exclusively to co-educational institutions, so far. The Association of Collegiate Alumnæ is doing valuable work. Lucy Maynard Salmon, Professor of History in Vassar College, has published a volume on "Domestic Service," which has taken rank immediately as the most thorough and scientific treatise known on the subject. The failure to provide for instruction in domestic service and art, in colleges whose reason for existence has always been held to be woman's need of training different from that afforded by men's colleges, must be counted as among the unfathomable mysteries sacredly preserved in the conclaves of boards of trustees. The great need of the home is light, more light. It is only darkness that is to be feared.

The most exacting ideal of home life that the world has ever known was given more than eighteen hundred years ago by the Great Teacher of the Art of Living. He was a close observer, a keen critic, a discriminating philosopher. His regard for woman, and for her relation to the home, was such that He counted a look coupled with irreverent thought of her as crime. He was once called to judge between two types of womanhood—one distracted with much serving in conventional ways, the other sitting at the feet of the Teacher, learning his philosphy of life. His highest commendation was given to the learner.

MARY CLARK BARNES.

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THE UNLUCKY RIGHT WING.

No battle plans have been more generally used than the flanking movements intended to overwhelm one end of an opponent's fighting line, to the great and probably fatal weakening of the rest of his position. The Confederates used these tactics in their most successful battles of the Civil War, and it is worthy of notice that their attacks which were particularly daring and successful were almost invariably made against the Federal right wing.

The troubles peculiar to that unlucky part of the Northern armies began at Bull Run, and continued, East and West, for over two years. At that battle the Federal right wing made a well-planned movement against the Confederate left. Both sides fought well for new troops, "Stonewall Jackson" earning his battle name by the resistance he and his men made to the attack against them; but the Federals had gained ground and were still advancing, when fresh Confederate forces fell on the regiments at the right end of their line of battle. The historical stampede that followed was an unfortunate but perfectly natural result.

The long wait while McClellan was organizing the Army of the Potomac followed. Then came the slow progress up the Peninsula toward Richmond, and the right wing was again in trouble. Stonewall Jackson had been threatening Washington; but before it was known that he had even left the Shenandoah Valley, his army reinforced Lee before Richmond. Their combined attack at Gaines's Mill drove the Federal right wing from the field; this was at the beginning of the Seven Days fighting that ended at Malvern Hill. A few weeks later Stonewall Jackson, in his masterly little way, went around the right of Pope's army; and while it is hard to say which part of the Federal line was the most unfortunate in the second battle of Bull Run, which was the immediate result of the Confederate movement around the right wing, that part of the army was directly opposite Jackson's own men, and suffered heavily.

Within less than three weeks the armies were facing each other at Antietam. Stonewall Jackson was again in front of the Federal right, and as big a stumbling block as ever. The three army corps that made up the right wing of the Army of the Potomac were thrown against him, with practically no favorable results and with very heavy losses. Numbers seemed to make no impression on Stonewall Jackson and his "foot cavalry;" so called from their wonderful marching powers.

But the greatest and the crowning military work of his life was his last, the attack on the Federal right at Chancellorsville. Lee's army was hardly half that of Hooker in numbers: and yet in defiance of all ordinary military rules, it was divided into two parts. Stonewall Jackson led his half directly across the front of the Federal lines. giving rise to the belief that the Confederates were retreating on Richmond; and late in the day he fell on the Federal right again. The blow caught this unlucky part of the line totally unprepared for resistance, and the resulting panic was the first of the disasters that were showered on the right wing in the three days of battle that ended in the retreat across the river.

It was a dearly-bought victory for the Confederacy, however, for Stonewall Jackson was mortally wounded and died soon after; and the Army of Northern Virginia was never quite the same after his death. The old courage and determination were there, but Chancellorsville saw the last of those brilliant flanking movements in which lay Jackson's military greatness.

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In the West, the right wings of the Federal armies were also unfortunate. Fort Donelson was the most important of the early struggles, and a less determined leader than Grant might easily have been demoralized by the way in which the Confederate attack broke up his right division. The Confederate success for the time being was so complete that the entire garrison could have escaped; but they thought they could serve the rest of the Federal line in the same way, and they held their position, only to be hopelessly shut in by the most successful general the war produced on the Northern side. Lew Wallace rightly says that the turning point in Grant's career was the recapture of the position from which his right had been driven by the garrison of Fort Donelson; its escape would have put Grant under a cloud that might have hidden his greatness.

The army of the Cumberland was the next sufferer from the truly Confederate habit of demoralizing Federal right wings. At Murfreesboro, or Stone River, the Confederate Hardee led his corps against McCook of the Federal right, in a way that would have done credit to Stonewall Jackson himself. The right wing was wrecked; and the Confederates were only stopped when they had over-run half the battle-field and were nearly in possession of the Federal lines of communication with the North.

Nearly eight months later the same armies, led by the same commanders, Rosecrans and Bragg, fought one of the most desperate and dramatic battles in history at Chickamauga. There was a day of desperate fighting, with honors about even; but about the middle of the second day the Confederate columns made a heavy attack at a point in the Federal right that had just been left unprotected by the transfer of a division to close a supposed break in another part of the line. The charging columns immediately rushed into the real break in the line, and another Federal right wing was smashed. Thomas with the left, and what remained of the right, made the historic stand on Snodgrass Hill that saved the army of the Cumberland. Two months later it did great work in the magnificent fighting that drove the Confederates from Lookout Mountain and Missionary Ridge.

In the East, the bad luck of the Federal right was closely associated with the fact that Stonewall Jackson generally chose that wing for a target; after he was mortally wounded at Chancellorsville, the troubles that befell the Army of the Potomac were more evenly distributed.

In the West, the right wing was demoralized for the last time at Chickamauga, only a little over four months after Chancellorsville, the last misfortune of the kind in the East. There was no Stonewall Jackson in the West to create a comparative monopoly of smashing right wings; and it is very fortunate for the re-united country that there was not.

GILBERT TOMPKINS.

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